Wiltshire Council

MODEL GRIEVANCE PROCEDURE FOR TEACHING AND SUPPORT STAFF IN ALL MAINTAINED SCHOOLS

This model procedure will apply to both teaching and support staff working in Wiltshire Schools and has been agreed with the following recognised unions: NEU, NAHT, NASUWT, ASCL, Unison, Unite and GMB

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There are further supporting toolkits available for schools who purchase HR Advisory via Right Choice and these should be read in conjunction with this policy.

What is it?

1. The governing body of Derry Hill School believes that the majority of workplace problems can be resolved informally and at an early stage through open and constructive dialogue between all parties. However, there may be occasions where this is not possible or appropriate.

2. A grievance might concern matters such as an employee's working practices, physical working environment, terms and conditions, work relations, health and safety. This policy and procedure sets out a consistent framework for dealing with genuine grievances in a supportive, timely, fair and reasonable way. It conforms with the ACAS Code and Guidance, relevant legislation and good practice. Its emphasis is on informal, early resolution and encourages voluntary mediation as an important step in achieving this.

Scope and General Principles

3. The policy applies to both teaching and support staff.

4. It is recognised that addressing workplace problems can be upsetting. Everyone involved in the process is entitled to be treated with dignity and respect. The school will not tolerate discriminatory, retaliatory, abusive or insulting behaviour from anyone taking part in a grievance.

5. Dignity at work complaints which are not resolved at the informal stage, including through the use of voluntary mediation, will be dealt with under the formal part of this procedure. These include complaints relating to inappropriate behaviour which can include harassment, bullying, victimisation and discrimination. In these cases this policy should be read in conjunction with the Dignity at Work Policy.

6. This policy and procedure applies equally to a grievance from a group of employees raising similar/common issues/themes against one or more people – a "multi employee raised grievance" (this is not a collective grievance). A multi employee raised grievance should appoint one member in their group to act as a spokesperson, who then follows this procedure on their behalf.

7. A collective grievance (which is different from a multi employee raised grievance within a single school – see paragraph above) is where a grievance is raised on behalf of two or more employees by a representative of a trade union or other appropriate workplace representative across all or a number of maintained schools in relation to the same terms and condition issue. Schools' wide collective grievances will be dealt with in the context of the joint consultative process.

8. Grievances are expected to be made in good faith. Any which are considered frivolous (not serious), vexatious (with intention to harass or distress), are knowingly untrue and/or malicious (with wrongful intention), could lead to disciplinary action being taken against the employee and the grievance process halted.

9. The grievance procedure is an important way of making sure that genuine concerns and complaints raised by employees are given an impartial meeting, investigated where appropriate, and fairly dealt with. However, to work effectively, it is important that the procedure deals with complaints only of genuine substance. Where it's genuinely believed that the formal grievance procedure is not an appropriate avenue to deal with trivial or minor complaints this will be explained to the employee.

10. Employees are encouraged to come forward with any complaints at the earliest opportunity. Delays may ultimately affect the decision on whether or how far the grievance can proceed.

11. Grievances need to be set out in full and cover all the issues that the employee considers are relevant to their complaint, along with the outcome they wish to achieve. This is to ensure that all issues are considered concurrently when determining the findings and appropriate outcomes. Therefore, second and subsequent grievances relating to the same course of events, may not be accepted if those grievances could have been included within the original complaint and there is no reasonable explanation why they were not.

12. Where an employee raises a grievance during the disciplinary process a decision will be made whether to deal with both cases concurrently or, if appropriate there may be a temporary suspension of the disciplinary process in order to deal with the grievance.

13. If the employee wishes to call any relevant witnesses, they should make the necessary arrangement and advise the Headteacher (or their nominee) in advance. Refer to Toolkit 8 guidance notes for witnesses.

14. An exchange of all documents expected to be referred to at the meeting (subject to any rights of confidentiality, in which case documents will be redacted as appropriate). should take place at least 48 hours before the meeting.

15. If the employee's representative/person accompanying them cannot attend on a proposed date, the employee can seek to arrange another date as long as it is reasonable and is not more than 5 working days after the original date set. Refer to Toolkit 9 right to be accompanied guide.

16. Where the employee, or their representative / companion, have a protected characteristic (such as a disability) then reasonable adjustments will be made by the school to ensure they are able to fully participate in the meeting.

17. Notes of meetings should be taken by a Clerk to the Governing Body, or another suitable person as arranged by the school. The note taker does not take any other part in the meeting. Refer to Toolkit 3 guide for note takers.

18. Exemptions - this policy and procedure will not apply to;

- Concerns which are believed to be in the public interest. Refer to the school's whistleblowing policy. However, where the employee is directly affected by the matter in question, or where the employee feels they have been victimised for whistleblowing, an employee may raise the matter under this policy and procedure.
- Other matters directly related to procedures which have their own appeal or review provisions these include; requests under the right to request access to information, sickness absence, individual redundancies, the non-renewal of fixed

term contracts, job evaluations, disciplinary proceedings (including sanctions and decisions), issues relating to pensions, statutory deductions from pay such as income tax and national insurance.

- Where a grievance is raised by an ex-employee or by an employee who leaves part-way through the process, decisions on whether to commence or continue with a grievance process will need to be made on a case-by-case basis, in discussion with the Schools HR Advisory team
- Personal matters not directly related to employment. Headteachers (or their nominee) may be able to assist or advice can also be sought from the school's wellbeing services helpline on 01225 713147 .
- A collective grievance raised on behalf of two or more employees by a representative of a trade union or other appropriate workplace representative.

Voluntary mediation

19. The school supports this intervention as an effective way of resolving workplace conflict issues without the need to formally raise a grievance. Employee(s) will be asked to consider this step before instigating a formal stage.

20. In choosing to pursue voluntary mediation, the Grievance procedure will, if necessary, remain available at any stage.

The Procedure has an informal, formal and appeal stage:

Resolving matters informally

21. Employment problems and concerns are often raised and settled as a matter of course during everyday working relationships. Matters should aim to be resolved in this way, unless there are good reasons not to do so.

22. The employee should discuss the relevant matter initially with their Headteacher (or their nominee), as soon as possible. If the grievance is against the Headteacher it should be raised with the Chair of Governors (or their nominee).

23. The Headteacher (or their nominee) should meet with the employee, as soon as practicable, to allow the opportunity to explain and discuss their grievance and seek to identify how it can be resolved. Every effort should be made to address grievances informally where this is appropriate. Voluntary mediation will be discussed at this stage if it is felt appropriate.

24. There is no right to be accompanied at this stage.

25. For completeness a summary of the discussion and outcome should be sent to the employee, as soon as possible after the meeting.

26. While the school encourages informal resolution of complaints (which might include voluntary mediation) it is recognised this is not always possible or appropriate, depending on the nature of the matter being raised. Before a grievance is considered at the formal stage the employee will be asked to confirm any informal resolution that may have taken place or reasons they do not consider the informal resolutions to be appropriate. The headteacher (or their nominee) may wish to discuss these reasons with the individual before a decision is made to consider the matter under the formal stage and they may refer the matter back to the informal stage where appropriate.

Resolving matters formally – Step 1 – Lodging the Grievance

27. Formal grievances must be lodged in writing via The Grievance Notification Form GN1.

28. The Headteacher (or their nominee) will hear the grievance. If the grievance is against the Headteacher it should be heard by the Chair of Governors (or their nominee).

29. At any formal stage meeting there is a statutory right to be accompanied by a work colleague or trade union or professional association representative. Refer to Toolkit 9 right to be accompanied.

30. Where an employee has had a grievance raised against them, they will be informed of this as soon as it is possible and appropriate. They will be given a copy of the Grievance Notification Form GN1, or in cases where the grievance also relates to other matters, a copy of the information contained in the GN1 form which is relevant to them.

Step 2 – Grievance Meeting and Investigation Meetings

31. The Grievance Meeting should be arranged within a reasonable time from the date the grievance was submitted. During this meeting, it will be established whether an investigation is required (see section below on investigation meetings) or whether the matter can be resolved at this meeting, using information available/discussed at the meeting, and provided by the employee prior to the meeting. The Headteacher (or their nominee) will be the person who will respond to the grievance.

32. The employee will be given the opportunity to restate their grievance and how they would like to see it resolved.

33. After the grievance meeting the Headteacher (or their nominee) will adjourn to make their decision. Where possible, the decision will be notified verbally. The decision and any relevant actions will be confirmed in writing (within 5 working days, where possible) along with a copy of the notes of the meeting (subject to any redaction for confidentiality purposes).

34. The outcome will be either that the grievance has not been upheld or has been upheld, in part or full, and what action will be taken/how the actions will be monitored. The employee will also be advised of their right of appeal. The Headteacher (or their nominee) will ensure that any actions identified as part of the outcome are allocated to appropriate parties to implement.

35. The employee whom the allegation has been made against will also be informed of the outcome verbally for parts of the grievance that relates to them and then have this followed up in writing.

36. Specific details of any outcomes/actions in relation to other employees will not be shared, to respect confidentiality.

Investigation meeting(s)

37. The Headteacher (or their nominee) may consider adjourning the grievance meeting to investigate any new facts, or to gather further information, which arise as part of this meeting. After the investigation the grievance meeting will reconvene.

38. The investigation will usually be conducted by the Headteacher (or their nominee) unless there is good reason for this to be undertaken by another person. The investigation will aim to establish the facts and will be undertaken, as soon as possible. Scope and timelines will depend upon the individual circumstances of the case. The employee raising the grievance and those who the grievance is against will be kept informed of progress and timelines, as appropriate.

39. All employees will be expected to co-operate fully and promptly with any investigation process. The employee and any witnesses can be accompanied at formal investigation meetings.

40. The invite to an investigation meeting will include any relevant supporting documentation e.g., copy of grievance and or statements, (subject to any rights of confidentiality, in which case documents will be redacted as appropriate). If the employee wishes to submit any further relevant supporting documentation this should be done prior to the meeting.

Step 3 – Right of Appeal

41. If an employee is dissatisfied with the outcome of the grievance decision the may lodge an appeal using the appeal notification form (G3). The appeal must be lodged within 5 working days of receipt of the written outcome. The right of appeal with be exercised in line with the school's Appeal Policy.

Other Points to Note:

Failure to attend the formal grievance meeting/Lack of Pursuit

42. The employee must take all reasonable steps to attend the grievance meeting. Where an employee fails to attend without notice or good reason more than once the Headteacher (or their nominee) can decide to proceed in their absence, on the basis of the information available. An employee will be notified of this decision and the outcome in writing. In addition to this where insufficient information is available to consider the grievance fully the Headteacher (or their nominee) may decide that the complaint should be treated as withdrawn (due to lack of active pursuit) and any further complaints relating to the same facts and individuals will not be accepted. The employee will be notified if this is the case.

Transfer to another procedure

43. This procedure, including the investigation, may be suspended at any point where it becomes apparent that the matter or elements of it might be best dealt with in line with a different policy and procedure. The employee will be advised of this and next steps.

Equality

44. Derry Hill School is committed to equality, the principles of which are set out in the Equality and Diversity Policy, together with information on the Equality Act and on our Public Sector Equality Duty (PSED).

45. Where an employee feels that there are adjustments that would help them to deal effectively with a formal process, they should make the Headteacher (or their nominee) dealing with the case aware, at the earliest opportunity.

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Data Protection and GDPR (General Data Protection Regulations)

46. Derry Hill School processes personal data in regard to this policy in accordance with the General Data Protection Regulations (GDPR). Further details on how employee's data is used and the basis for processing it is provided in the school's privacy policy.

Data collected is held securely and only disclosed to individuals for the purpose of completing the policy. Inappropriate access or disclosure of employee data may constitute a data breach and must be reported in accordance with the school's Data Protection policy. Any such breaches may result in an investigation and could lead to disciplinary action. In certain circumstance (for example to protect a witness) it may be appropriate for the school to withhold some information

Equalities Impact Assessment

47. This policy has had an equality impact assessment conducted by a joint equality impact assessment panel and the results of these assessments are published on the Wiltshire Council website.

Related Toolkits

Toolkit 1 – Process Flowchart
Toolkit 2 – Grievance guidance notes for managers
Toolkit 3 – Guidance notes for notetakers
Toolkit 4 – Guidance for employees subject to a complaint
Toolkit 5 – 7 – Template letters and model panel report format
Toolkit 8 – Guidance notes for witnesses
Toolkit 9 - Right to be accompanied