

HARROW SCHOOLS GRIEVANCE POLICY AND PROCEDURE

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1. INTRODUCTION

1.1 This document sets out the School's Grievance Policy and provides a structured 3 Stage procedure comprising of:

- Informal
- Formal – Stage 1
- Formal Appeal - Stage 2 (conclusion of the formal grievance process)

For ease of reference attached to this document is a detailed flow chart of which describes the above procedural stages at Appendix 1

1.2 This policy enables employees to raise concerns related to their employment. The aim is to resolve grievances as quickly and as close to the point of origin as possible in an equitable way, which does not hinder the provision of an effective and efficient schools operation.

1.3 A grievance that has not been raised within three months of the events which gave rise to it will normally be disregarded unless it is agreed that there are exceptional circumstances or complaints that are exempt from this time scale e.g. discrimination.

1.4 In most cases before employees invoke the formal stage of this procedure they first of all attempt to resolve their complaint through implementation of the Informal process. Managers are strongly encouraged to endeavour to resolve grievances informally and problems promptly, which may include a facilitation meeting in order to understand the views and perspective of the employee and others.

1.5 A grievance may be considered to be a complaint by an employee about the action, which their employer (or another employee) has taken or is contemplating taking in relation to them. A grievance could be regarded as any one of the following:

- Terms and conditions of employment
- Working hours
- Unfair treatment
- Health and safety
- Working relationships
- Harassment or bullying

N.B. This list is not exhaustive nor is it an attempt to give a definition of a grievance.

1.6 This policy does not apply to:

- a. Employees appealing against a dismissal/disciplinary decision. This is dealt with through the appropriate appeals procedure.
- b. Whistleblowing Complaints. These are dealt with under the Harrow Council Whistle Blowing Policy and Procedure.

1.7 This policy is not intended for employees to raise a grievance about School policy, although it may be used to make a complaint about the way the School's policies and procedures have been applied.

2. SCOPE

2.1 The policy and procedure set out in this document applies to all Teachers on Teachers pay and conditions and Harrow Council employees employed in schools under the terms of Harrow Pay Employment Conditions if this policy has been adopted by the respective schools' Governing Body.

- 2.2 Where a grievance concerns a Headteacher, the employee should raise their concern with the Chair of Governors.
- 2.3 If a grievance is raised by an employee against the Chair of Governors, or any other member of the Governing Body, this should be dealt with through the Grievance Policy and will be heard by an Employee Grievance Committee.

3. ROLES AND RESPONSIBILITIES

- 3.1 Managers and employees have a responsibility within this procedure. Participants in this process shall be respectful of one another and refrain from using language that could be perceived as insulting, offensive or abusive or intimidating.
- 3.2 Managers will:
- a. Ensure that all employees are made aware of the Grievance Policy and how to access it.
 - b. Try to resolve all issues informally before they become formal grievances.
 - c. Respond promptly and without unreasonable delay to try to resolve any informal and formal grievances and ensure that timescales are adhered to and that they can account for decisions with a sound rationale.
 - d. Ensure the grievance procedures are followed correctly, seeking advice from the HR Service Desk when they are unsure.
 - e. Treat all grievances seriously, dealing with each one consistently and sensitively ensuring fairness, natural justice and equality whilst maintaining confidentiality at all times.
 - f. Ensure that the aggrieved employee is aware of the option to use mediation before they invoke the formal process.
- 3.3 Employees will:
- a. Work with the manager to genuinely seek resolution.
 - b. Try to resolve all issues informally, before implementing the formal procedure under Stage 1.
 - c. Co-operate fully with any investigation.
 - d. Comply with all reasonable management instructions whilst their grievance is being progressed.
 - e. Not raise a grievance maliciously.
 - f. Maintain confidentiality throughout and on conclusion of the process.
- 3.4 The Governing Body will set up an Employee Grievance Committee which would normally comprise of 3 governors not involved in the grievance issue.

4. PRINCIPLES

- 4.1 The policy and procedure contained within this document is governed by natural justice and ACAS codes of practice and guidance and founded on the following principles:
- a. To enable genuine grievances to be resolved quickly and consistently across the school in order to maintain good working relationships.
 - b. To resolve grievances informally before implementing the formal process.

- c. To ensure that the issues raised by an employee in their grievance are investigated fairly, thoroughly and promptly, and that the outcome is confirmed in writing without unreasonable delay.
- d. To ensure that the employee does not suffer any detriment in the form of victimisation by asserting their statutory right to raise a grievance.
- e. All grievances raised will be treated seriously. However, employees should be aware that they must not use the policy to raise complaints which are vexatious or malicious.
- f. A grievance can be closed at any point during the process, following receipt of written consent from the employee to do so.
- g. Grievances will be dealt with on a case by case basis.
- h. Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex, sexual orientation, or other grounds protected in law (e.g. part-time worker status, trade union membership or HIV positive status).

5. RIGHT TO BE ACCOMPANIED

- 5.1 The aggrieved employee has the right to be accompanied by a Trade Union representative or work colleague at any formal grievance meetings.
- 5.2 The person against whom the allegation has been made can be accompanied by a Trade Union representative or work colleague at any formal grievance meetings. Employees will be advised of sufficient details of any complaint made against them and given the opportunity of responding to the complaint before any formal outcome is determined.
- 5.3 Employees should be aware that their personal information including possible sensitive information will be shared with their nominated representative unless their permission to do so is formally withheld.

6. MEDIATION

- 6.1 There may be situations where, with mutual agreement, mediation may be considered to be appropriate. The manager considering the grievance may recommend the use of an **independent mediator** to the Headteacher who shall make the final decision on whether funding for mediation can be provided.
- 6.2 Notes of the mediation meetings are confidential and should not be disclosed to other parties. There may be exceptions e.g. information concerning safe guarding issues, where there may be a requirement to disclose information. The parties involved in the mediation must however be consulted and the reasons for disclosure fully explained, usually in writing. HR advice must always be sought before any disclosure.
- 6.3 In the event of mediation been agreed or recommended, contact your designated HR Schools Advisor or HR Service Desk in order to arrange this request.

7. COLLECTIVE GRIEVANCES

- 7.1 If a collective grievance arises, involving a group of employees within the same school, relating to the same issue, this may be dealt with through this policy and the group of staff may nominate up to 2 spokespersons to represent their case. The spokespersons have the right to be accompanied by a Trade Union representative or work colleague.
- 7.2 Even though this will be dealt with as a collective grievance, all parties must sign the collective grievance statement.
- 7.3 As long as the issue is the same in each case, it will be necessary to hold only one meeting at each stage with the spokesperson(s).

8. INFORMAL APPROACHES TO RESOLVING GRIEVANCES

- 8.1 In the first instance employees are encouraged to discuss the issue with their line manager to see if the matter can be resolved informally without invoking the formal grievance procedure. Where the grievance concerns the Headteacher, the employee should raise their concern with the Chair of Governors. Where the grievance concerns the Chair of Governors, the employee should initially raise their concern with the Vice Chair of Governors.
- 8.2 Managers should be aware of, and be prepared to explore alternative ways of resolving complaints that arise by discussing the issue and considering possible solutions with the employee. For instance, it may be appropriate to consider mediation in the informal process.
- 8.3 If the employee is dissatisfied with the outcome of the informal process, they may opt to raise it formally under Stage 1 of the Formal Grievance Procedure in accordance with section 9 below.

9. FORMAL GRIEVANCE PROCEDURE – STAGE 1

- 9.1 The aggrieved employee should complete the Stage 1 Formal Grievance Form (Appendix 2 in the Toolkit) to register a formal grievance.
- 9.2 On receipt of a formal grievance, the manager/Headteacher (or Chairman of Governors if the grievance is by or against the Headteacher or other appropriate officer as advised at 8.1) will meet with the employee to investigate and clarify the details of the grievance within 10 working days, gather any relevant documentation and to clarify the outcome the employee is seeking.
- 9.3 The purpose of this/these meeting(s) will be for the manager/Headteacher or Chairman of Governors to consider the facts, give the complainant the opportunity to explain how they would like it resolved and make their determination concerning the grievance. A note taker will also attend these meetings.
- 9.4 The employee has the right to be accompanied by their trade union representative or work colleague at these meetings and will be provided with notice of 5 working days of the meeting.
- 9.5 Please see further guidance in section 9 of the Grievance Toolkit for Schools.

10. APPOINTMENT OF AN INVESTIGATING OFFICER

- 10.1 In some cases it may be necessary for the manager to appoint an Investigating Officer. The Investigating Officer, if internal will normally be senior to the persons involved in the grievance. If the grievance is against the Headteacher or a member of the Governing Body an external Investigating Officer will be appointed if the grievance cannot be resolved at the Informal Stage. This will depend upon the nature and complexity of the grievance. Where an Investigating Officer is appointed they are responsible for investigating the complaints made, including the events surrounding or leading up to submission of the complaint. The Investigating Officer will compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes. If an investigating Officer is appointed the Manager should reconvene within 10 days of the initial meeting, giving the employee 5 working days' notice in writing.
- 10.2 If further allegations or information come to light during the course of the investigation, the manager and the employee must be informed.

11. FORMAL GRIEVANCE APPEAL HEARING STAGE AND CONCLUSION OF THE GRIEVANCE PROCESS – STAGE 2

- 11.1 If the employee is dissatisfied with the decision resulting from Stage 1 of the formal grievance procedure then they may appeal the grievance decision, clearly stating their grounds of appeal. Any appeal must be lodged within **10 working days** of the date of the Stage 1 decision letter.
- 11.2 Appeals under Stage 2 should be heard by the Employee Grievance Committee, a panel of 3 governors, and accompanied by a representative from HR where the grievance is more complex. Governors who previously considered the grievance shall not be present at the appeal.
- 11.3 The purpose of the Appeal Hearing will be to consider the reasons why the employee is dissatisfied with the outcome of the formal Stage 1 process and to hear the case. The employee will have the opportunity to explain their appeal grounds and submit information to support their claim. The appeal must relate to the original grievance and only matters included at Stage 1 can be included in the appeal. The employee must receive a minimum of 5 days' notice before the meeting takes place.
- 11.4 The management case will normally be presented by the chair of the Stage 1 Employee Grievance Committee.
- 11.5 The decision will be conveyed to the employee in writing by the Chair of the Employee Grievance Committee within 5 working days. **The grievance appeal decision is final**, the employee has no further right of appeal and will not be permitted to submit a further grievance on the same facts upon which a decision has been taken.

12. FURTHER GUIDANCE

- 12.1 Further guidance is contained in the Grievance Toolkit for Schools for all parties involved during the grievance process.
- 12.2 The toolkit is updated on a regular basis. Headteachers should ensure that they refer to the most up to date copy on the intranet and not a previous printed version.
- 12.3 Formal advice and guidance is available from the HR Service Desk.

13. APPENDIX 1 – GRIEVANCE POLICY FLOWCHART

GRIEVANCE POLICY – FLOW CHART – APPENDIX 1

