Grantham Villages' CE Primary Schools Federation

Marston Thorold's Charity Church of England Primary School

Grievance Policy

Agreed to Adopt and Approved by:	**Full Governing Board**	**Date: February 2024**
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Schools Grievance Policy and Procedure

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools

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GRIEVANCE POLICY AND PROCEDURE

Purpose

Lincolnshire County Council (LCC) and the school believe that all employees should be treated fairly and with respect. There may be occasions where employees have problems or concerns about their work, working conditions, or relationships with colleagues that they wish to talk about to find a resolution. This policy and procedure provides a framework for employees to do this in a safe and supportive environment.

LCC, Governing Bodies and Head Teachers are committed to attempting to resolve issues or concerns informally and as such, encourage employees to bring matters of concern to the attention of their manager. Through developing open and constructive working relationships, coupled with a genuine desire from all to find resolutions, it is expected that most issues should be able to be resolved through these discussions. Where attempts to resolve issues informally do not work, it may be appropriate for an employee to raise a grievance under this procedure.

A grievance should be concerned with the way in which an employee believes they have been treated by the school or Head Teachers/Managers acting on its behalf, colleagues or about an aspect of their work. Issues and concerns that may cause grievances include concerns regarding allocation of work, working environment or conditions, the opportunities for development, or the way in which an employee has been treated. All employees are expected to act as role models for the school and proactively challenge behaviour and actions that may adversely affect employee health and wellbeing.

Complaints or grievances that amount to an allegation of misconduct on the part of another employee may also result in that employee being referred to the Disciplinary Policy and Procedure (LINK). Generally, issues that are the subject of collective negotiation or consultation with trade unions will not be considered under the grievance procedure. Complaints that an employee may have about any disciplinary action taken against them, should be dealt with as an appeal under the disciplinary procedure. Grievances may occur at all levels, and this procedure applies equally to everyone.

Principles

In order to resolve issues in a timely manner, to enable individuals and schools and Governing Bodies to operate effectively, the following principles will apply:

- Head Teachers/Managers and employees should raise and deal with issues promptly and openly;

- Head Teachers/Managers will undertake any necessary investigations or enquiries to understand the concerns and issues raised;

- Employees will provide full details of the nature of their concerns, including dates and times of relevant events, names of any witnesses, and any action taken to resolve issues;

- Employees will be required to identify the outcome(s) they are seeking, in order for managers to understand how a resolution may be reached;

- Grievances may be raised by one or more employees or in respect of one or more issues/employees. Where raised by a group of employees they may choose to elect one or more of the group to represent them through the procedure;

- Employees wishing to raise concerns about malpractice at work (e.g. fraud, corruption, financial malpractice, serious health and safety breaches) can alternatively refer to the Whistleblowing Policy (Confidential Reporting Code) ;

- The grievance procedure is not to be used where specific appeal provision exists, e.g., in respect of disciplinary, flexible retirement/working and job evaluation/grading decisions;

- A grievance cannot be raised against a Governor however, where an employee has concerns in respect of a Governor these should be raised and dealt with in accordance with the Complaints Procedure which is a requirement of all maintained schools as detailed within Section 29 of the Education Act 2002.

Mediation

Mediation may be considered at any stage of this procedure, depending on the nature of the grievance. A manager may recommend it as a means of finding a resolution, and will encourage all involved to agree to this. Mediation involves the appointment of a third-party mediator, who will discuss the issues raised by the grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree.

Harassment and Bullying

Head Teachers are committed to creating a work environment in schools free of harassment and bullying, where everyone is treated with dignity and respect. The harmful effects of harassment and bullying are recognised, and the school will not tolerate harassment and bullying of any kind. Allegations of harassment and bullying will be investigated and, if appropriate, disciplinary action will be taken. Any complaints of harassment or bullying should be raised by using this Grievance Policy and Procedure.

Head Teachers will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence. These provisions apply not only at the workplace during working hours

but at other work related activities during and outside of working hours – e.g., training courses, conferences and social functions.

Harassment by Others

The School is liable for harassment of its employees by Governors and others who are not employees of the School.

Schools as the employer are likely to be liable when harassment from Governors, children, parents, clients and contractors has occurred on at least two previous occasions; that they are aware that it has taken place and have not taken reasonable steps to prevent it from happening again.

Where complaints are made by a School employee against a Governor, child, parent, client or contractor, the School will commission an investigation. Any outcomes of that investigation will be for the School to implement. However the employee will have the right to a hearing by the Head Teacher and appeal to Governors (who were not the subject of the grievance) in line with the School's Grievance Policy.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This kind of conduct is usually sustained.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

<u>Informal Resolution</u>

Employees should bring to the attention of their leader, or alternative leader or Head Teacher, as soon as possible issues about which they feel aggrieved to request support in finding a resolution. Meetings concerning issues or concerns at this stage will normally involve the employee and leader only. In many cases, the employee may use their 1 to 1 or supervision meetings as an opportunity to discuss issues or concerns with their leader. In circumstances where management determine that an investigation into concerns raised is required, the Head Teacher/Manager will advise the employee of this and carry out an appropriate investigation or arrange for someone to do this on their behalf.

All attempts to find a resolution will be explored, and the employee will be supported. Whilst these are informal discussions, Head Teachers/Managers will keep a record of the conversation, the issues raised, and actions taken to resolve the matter.

Grievance Procedure

The following principles apply in the grievance procedure:

- "Working days" are defined as weekdays (Monday -Friday), excluding bank holidays and statutory holidays; and periods of school closure/holidays, regardless of the actual days worked by any employee.

- Grievances must be raised within 3 months of the incident or action giving rise to it, unless exceptional circumstances apply. A grievance raised outside of this may not be considered.

- Through the formal procedure, employees have the right to be accompanied by a trade union representative, a work colleague, or an official employed by a trade union. No other companions will be permitted to attend the meeting. Where there are grounds for a reasonable adjustment for a disabled employee to be made, to permit an alternative companion, the employee should discuss this with the leader hearing the grievance. In all cases, the employee must tell the leader who their chosen companion is, at least 24 hours before the meeting.

- If the trade union official is not known to LCC or the School, they will be required to provide documentation from the trade union in question, stating that the companion is a union representative and is authorised by that union to represent employees.

- The companion, if employed by LCC or the School, is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If the employee or the companion is unavailable at the time the meeting is scheduled, a request can be made to re-schedule it to take place within the following 5 working days. Employees will be advised at that time that if they fail to attend the rearranged hearing, their grievance and/or representation may be considered by management in their absence, based on the written submissions; or the grievance may be considered to have been withdrawn and no further consideration of it will be given.

- The companion will be allowed to address the meeting to present and sum up the employee's grievance, respond on behalf of the employee to any views expressed at the meeting and confer with the employee. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from questioning the employee.

Grievance Meeting

The first step of the formal grievance procedure is for the employee to put their complaint in writing to their Head Teacher/Manager. This written statement will form the basis of any subsequent meetings and any investigations. It is therefore important that it clearly sets out the nature of the grievance, dates and times of relevant events, names of any witnesses, the actions taken to date and to indicate the outcome(s) the employee is seeking to revolve the

grievance. If the grievance is unclear, employees may be asked to clarify the issues before any meetings take place. Employees may complete the Grievance Submission Form (Appendix 1), or provide their own written correspondence via letter or email. In situations where a grievance involves an employee's leader, the employee should raise the grievance with an alternate leader, or with the Head Teacher.

Where a grievance cannot be resolved to the employee's satisfaction, they can raise it formally with a more senior level of School Management. In some schools, with few management levels, it may be necessary for the Head Teacher/Manager who dealt with the matter informally, to also undertake the formal stage.

This leader will arrange a grievance meeting to take place, as soon as is reasonably practical, with a minimum of 5 working days' notice, where possible, to seek a resolution to the matter. The leader may also request a note taker to attend.

At the meeting, the employee will be asked to explain their grievance and discuss all the relevant facts concerning the matter, so the Head Teacher/Manager fully understands the issues. Any subsequent meetings arranged to discuss the matter, will include providing all those present copies of any relevant documentation.

The leader will hold as many meetings as necessary to fully consider and investigate, where relevant, the grievance. Where appropriate, the leader may appoint an independent investigator to gather facts and information, including interviewing witnesses. In cases where a grievance is raised against other employees, it is important that all involved are provided with the opportunity to fully respond to the issues raised. The leader will deal with the matter in a supportive and timely manner, in order to find resolutions for those involved.

Following full consideration of the matters raised, the outcome will be communicated by the Head Teacher/Manager in writing within 5 working days. If the grievance is upheld, and where the manager deems it appropriate, a meeting may take place to discuss any actions. These findings and actions will be confirmed in writing within 5 working days. It is important to note that if as a result of a grievance, disciplinary action or other action is being considered towards other employees, the individual who raised the grievance will not be advised of the outcome of those proceedings which are confidential and private to the employees involved.

The outcomes of the grievance may be:

- to uphold, either fully or in part, the grievance;
- to not uphold the grievance;

The Head Teacher/Manager will also:

- Where the grievance is either fully or partially upheld the Head Teacher/Manager will describe action(s) that will be taken to resolve the grievance or as a consequence of the grievance;
- advise of the right of appeal.

Grievance Appeal

If the employee is dissatisfied with the outcome or in cases where mediation has not secured agreement by all parties, the employee has a right of appeal. The employee will need to clearly state the grounds of the appeal, including the basis on which the employee believes that the result of the grievance was wrong or that the action taken as a result was inappropriate.

Appeals should be in writing and submitted to the Head Teacher/Manager within 10 working days of either receipt of the outcome notification or confirmation from the Mediator that mediation has not secured agreement.

A grievance appeal will be heard by a panel of 3 Governors, who will hear the grievance appeal as soon as is practicable. The employee will be given a minimum of 7 working days' notice of the appeal hearing, and will be reminded of their right to be accompanied. The school may also invite their HR provider to be present, and a note-taker. The leader who heard the formal grievance will also be required to attend, to describe the investigations and considerations they made, and the reasons for the decisions they reached. The appeal meeting is not intended for the purpose of re-hearing the entire grievance or raising any new issues.

The day-to-day management of school employment matters is delegated to school Governors and it is expected that normally any Panel required will be constituted of Governors from the school. However, there may be occasions where the school requires a Governor(s) from another school to be used. The policy permits this to occur without the need for that individual to be co-opted onto the Governing Body.

The appeal panel will consider the grounds the employee has put forward for the appeal, and discuss the resolution the employee seeks. They will assess whether or not the conclusion reached in the formal stage of the grievance was appropriate and communicate their decision.

The outcome of the hearing may be communicated to the employee at the end of the hearing, following an adjournment, or will be confirmed as soon as is reasonably possible in writing with 5 working days. The decision, together with the reasons and the right of appeal, will in any case be confirmed in writing to the employee as soon as reasonably practical.

This decision is final and marks the end of the grievance procedure.

<u>GRIEVANCE AGAINST A HEAD TEACHER / EXECUTIVE HEAD TEACHER</u>

Where a grievance is against a Head Teacher, the employee will raise the matter with the Chair of Governors, who will first attempt to resolve the matter informally with the employee and Head Teacher. If this is not possible or appropriate, the Chair of Governors will be required to consider the matter in line with the formal stages of the Grievance Procedure.

Where an Executive Head Teacher is in place, grievances about the Head Teacher / Head of School would be submitted to and dealt with by the Executive Head Teacher, rather than the Chair of Governors. Where a grievance is about the Executive Head Teacher, this should be raised with the Chair of Governors.

Appendix 1 Grievance Submission Form

Name: School:

Manager: Job Title :

What is your grievance?

What action has been taken so far to resolve the grievance, by whom, and what was the result?

What is the outcome that you require to resolve your grievance?

Signed …….. Date ……..

Please submit this form to your manager, or if this concerns your manager, Head Teacher.