

Reading Girls' School



Grievance and Disputes Policy & Procedures



Business &
Enterprise

December 2015

RATIFIED BY FGB – December 2015

A handwritten signature in black ink, appearing to read 'Peter Kayes'.

Peter Kayes
Chair of Governors

Review within three years

READING GIRLS' SCHOOL GRIEVANCE AND DISPUTES POLICY & PROCEDURES

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1. Statement, Scope and Principles

The aims of this policy are to provide a clear and accessible process for employees to:

- raise concerns about workplace issues,
- raise concerns about working relationships with colleagues and Headteacher/Line Manager, and
- have a clear framework to resolve those concerns promptly.

2. Scope of the Policy

2.1 General

This procedure, where adopted, applies to all employees in schools.

This policy applies to all employees regardless of how long they have been employed, their contractual hours and contract type.

The Grievance Policy should be used for work related issues, such as concerns relating to an employee's own employment, working environment or the application of terms and conditions (excluding pay). It should also be used to address complaints about another employee's behaviour.

This policy provides a mechanism whereby individual employees can raise complaints about behaviour they experience, observe or perceive to be inappropriate, such as discrimination, bullying or harassment.

When the procedure does not apply

- a) Matters covered by other employment procedures where provision for redress/appeal rights are included within those procedures (e.g. disciplinary and capability procedures; recruitment and selection procedure; harassment policy and procedure; appeals against job grading);
- b) Matters which the school has no control, e.g. national grading, national pay awards, etc.
- c) A grievance/dispute which has not been initiated within three months of the circumstances or events occurring. This three month time limit will not apply if informal attempts to resolve the grievance have been made and exhausted.

Principles

The following principles are encompassed in this procedure:

- (a) As a normal part of good management practice, managers and employees should make every effort to resolve issues without recourse to the formal grievance procedure.

- (b) This procedure has been agreed with the unions representing school based staff as the most effective means of achieving a satisfactory settlement of a grievance or collective dispute.
- (c) An employee is entitled at any time to take up a job-related grievance not excluded as above and to discuss this with their trade union representative or colleague of their choice.
- (d) An employee, if they wish, may be accompanied and represented by a trade union representative or work colleague at any stage of this procedure.
- (e) Employees raising a formal grievance should make it clear exactly what the grievance is and that they wish to raise it formally. To achieve this, a pro-forma has been developed which should be used to record all formal grievances. Support should be given to an employee who may have difficulty in completing the pro-forma. This will normally be through the trade union representative.
- (f) Grievances should be investigated and dealt with thoroughly and within the prescribed time scales with the results confirmed in writing to the employee. Grievances or disputes about pay should be given priority.
- (g) A separate procedure, “Whistleblowing” exists for employees to have concerns addressed, regarding issues at work, which may not involve them directly, but which causes them concern.
- (h) No employee will be made to feel disadvantaged in any way because they have raised or pursued a grievance in good faith.

Preamble and General Principles

Application of this Procedure to specific staff groups

The term employee includes Headteacher, to whom this policy applies in full.

If a Headteacher wishes to raise a Grievance, they are encouraged to attempt to resolve concerns informally through discussion with their Chair of Governors. If they are unable to resolve the Grievance in this way, the Headteacher should write to the Chair of Governors, who will, in discussion with a Senior Personnel Adviser from the Croner/LA agree a format for a formal procedure.

If a Headteacher wishes to raise a behaviour related grievance in relation to their Chair of Governors, they should contact the Senior Personnel Adviser, at Croner/LA for advice and/or support to resolve the issue.

Time Limits

Working day' in this procedure refers to Monday to Friday (excluding weekends and public holidays). Unless there are exceptional circumstances, no member of staff shall be expected to attend a meeting under this procedure on a day when they are not contracted to work. These limits may be varied by agreement between the parties and such agreement shall not be unreasonably withheld by either side.

Each period will commence on the first working day after the written notification of the grievance has been received or following verbal or written confirmation of decision at each stage.

Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

Status Quo Arrangement

Management has the right to implement decisions within the framework of existing agreements and/or established practices that are currently being applied.

Where management wishes to implement a decision which would mean departing from existing agreements and/or established practices, and the employee concerned objects to that decision, the status quo will be maintained until such time as agreement is reached or the grievance procedure is exhausted. The status quo here means returning to the agreement and/or practices that existed before the dispute.

Questions about the interpretation of the status quo arrangements will be referred to the Personnel Advisor who will consult with all appropriate parties (management, employee and trade union representative)

Relationship to Other Procedures

Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct (as set out by the School) – including making false or vexatious complaints about another employee's behaviour – these will be handled in accordance with the Disciplinary Policy.

The Capability Policy will be used where there is evidence that an employee is not meeting the required standards of behaviour.

Serious breaches of the standards of behaviour, for example bullying and/or harassment, will be dealt with in accordance with the Disciplinary and/or Capability Policies (as appropriate) and may lead to dismissal.

Where a Headteacher/Line Manager is aware that a parent or student is harassing an employee (third party harassment), he/she is obliged to take reasonable steps to prevent this from happening again.

If an employee has concerns relating to Health and safety, possible fraud and corruption, unethical conduct or miscarriages of justice, please see the Confidential Reporting Policy, sometimes known as the “Whistle Blowing” policy.

Grievance “Out of Time”

Grievances must be raised with an immediate supervisor, within a period of 3 months of the event giving rise to the grievance, or when informal attempts to resolve the matter have been exhausted.

Role of the Grievance Officer

The role of the Grievance Officer. An employee’s Grievance Officer is the person who tries to resolve their formal grievance. A Grievance Officer is usually the manager of the employee’s line manager. In most circumstances, this will be the Headteacher. However, if the Grievance concerns the Headteacher, then another Grievance Officer will be appointed by the Chair of Governors (usually another Governor of the school).

Grievances are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages employees to raise issues and try to resolve them with their Line Manager (informally) and/or their Grievance Officer (formally) in the belief that the sooner these workplace concerns can be resolved, the quicker all parties will be able to resume normal working.

Employees will be given the opportunity to explain their concern, and be listened to, by a Line Manager with sufficient authority to resolve the issue.

Line Managers and the Governing Body are responsible for applying this procedure in a fair and equitable way. In addition, they are responsible for working with all parties to find a resolution that enables everyone to return to normal working as soon as possible.

Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern.

All parties involved in a Grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect and maintain confidentiality.

Records

A record of any formal grievance and notes of any meeting should be in writing and retained by the Personnel Office, separately and under confidential conditions. The record **should not be included on the employee's personal file**. Employees can examine their own records on request.

Grievance Procedure

Dealing with a grievance

In the first instance it is in everyone's interest to resolve a grievance informally, by raising it with the appropriate manager. This would normally be an immediate supervisor. **It is only when the grievance is not settled, that it can be pursued through the formal grievance procedure.**

If the grievance concerns an immediate supervisor and it is not appropriate for the grievance to be raised with them at stage 1 of the procedure, then you can raise it directly at stage 2.

Informal Grievances are conducted as discussions between the employee and their Line Manager. The employee may choose, and is encouraged, to invite a trade union representative or representative of their choice to this meeting to help them.

The grievance should be made in writing on the standard proforma to the line manager, stating clearly the nature of the grievance. The line manager will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee. The employee should be notified at least 5 working days in advance of this meeting. The employee will need to confirm at least 3 working days before the meeting their attendance and provide any documents relevant to the meeting and any witnesses that they would like to call.

The Line Manager should seek to understand what the employee is concerned about, what outcome the employee is seeking and whether any further meetings are needed.

More than one discussion may be required to achieve a resolution. At the end of the meeting (s), the employee and the Line Manager should agree what actions will be taken to achieve an acceptable outcome, and by when.

If the Grievance is related to the behaviour of another employee, the person raising the grievance will be informed if action will be taken but not the nature of the action.

It is good practice for the line Manager to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. This note must be shared with the employee.

If the employee and the line Manager have been unable to resolve the grievance, the employee may like to consider raising a formal grievance. The line manager will then consider the grievance and inform their decision in writing within 5 working days of hearing the grievance.

Referral to the next stage may happen if:

- the problem cannot be resolved to the satisfaction of the employee
- OR**
- no written decision has been given under the informal stage (Stage 1)

Representation

Employees have the right to be accompanied and represented by their trade union representative or representative of their choice to all the following stages within the procedure.

The Formal Procedure – roles and responsibilities

Stage	Meeting between employee and:	If the Grievance involves this person, meeting will be with:
Informal Stage Stage 1	Line Manager	Headteacher
Stage 2 – Formal meeting	Headteacher (acting as The Grievance Officer)	Chair of Governors will nominate a single Governor to act as the Grievance Officer
Investigation carried out (if necessary) by	Investigation Officer (appointed by the Grievance Officer)	Not applicable
Stage 3 – Appeal meeting	Panel of three Governors	Not applicable

Stage 2 – Formal Grievance Meeting

If an employee feels that their line Manager has not been able to resolve their concerns adequately at an informal meeting, then the employee should raise the grievance formally. A grievance should be raised at Stage 2 within 5 working days of receipt of the written decision at Stage 1.

The employee must put down the nature of their concern in writing. To aid this process, there is a Grievance Form, which employees are encouraged to use (although there is no requirement to do so).

A grievance **can** be registered directly at Stage 2 if the grievance concerns the employee's line manager/team leader.

The Grievance must be submitted to the employee's Grievance Officer (Headteacher).

If the Grievance concerns this person, the Grievance should be sent to the Chair of Governors, who will appoint another Governor to hear the employee's Grievance.

The Headteacher/Grievance Officer will, within 5 working days, acknowledge receipt of the formal grievance and arrange to meet with the employee in an attempt to resolve the grievance. This meeting will be arranged to take place as soon as possible and normally no later than 10 working days following receipt of the referred grievance. The employee should be notified at least 5 working days in advance of the meeting. This notification will include date, time and venue of the meeting and a copy of the grievance procedure (if not already provided). It should also remind the employee of their right to be accompanied and represented, and a requirement for the employee to confirm at least 3 working days before the meeting that they are able to attend, any documents relevant to the meeting and any witnesses that they would like to call.

The meeting should be conducted with calmness and openness. At the Grievance meeting, the employee will be given the opportunity to explain their concerns and say how they think the matter can be resolved.

It may be necessary to hold more than one meeting to resolve the issue. If this is the case, then this must be discussed with the employee at the meeting.

At this meeting, the Grievance Officer may be able to resolve the Grievance. Alternatively, they may need further information to help understand what has occurred, and so they will initiate an Investigation.

The Grievance Officer will need to keep notes of the meeting, or arrange for a note taker to be present, and must share the notes with the employee after the meeting.

The Investigation Process

Level one - Simple, fact-finding investigation.

Following the Grievance Meeting, the Grievance Officer may need to verify certain facts, get copies of documents etc. This can all be carried out by the Grievance Officer to enable a quick resolution of the grievance.

However, if the grievance is of a more complex nature, and if witnesses need to be interviewed, then it may be necessary to appoint an Investigation Officer, to investigate the issues raised by the employee. Advice can be sought from Croner HR team if required.

Level Two – Full Investigation

The Grievance Officer will appoint a suitably independent and senior Investigation Officer to carry out a full investigation. The Investigation Officer must be appointed within 5 days of the Grievance being referred for an Investigation, and ideally concluded within 3 weeks.

During the Investigation, the Investigating Officer will need to interview the employee concerned, plus other employees whose information will have a bearing on the matter. The employee may be accompanied to this meeting by a Colleague.

The aim will be for this process to be carried out confidentially and as swiftly as is practicable.

It is not the duty of the Investigation Officer to make a decision about the employee's Grievance. Their role is to ascertain the facts, and then present the facts to the Grievance Officer.

The facts will be presented in writing, and the employee will be sent a copy of the investigation report.

Possible outcomes from the Grievance Meeting:

Once the Investigation Report has been received, the Grievance Officer may need to reconvene the Grievance Meeting, to ask further questions.

At the meeting, the employee may be accompanied by their Companion. The Grievance Officer will invite the Investigation Officer to the meeting to explain their findings, and the employee or their Companion may ask questions of them. There will also be an opportunity for the employee to ask witnesses to attend the Grievance meeting to provide information to supplement their witness statement.

Having heard all the information, the Grievance Officer will adjourn the meeting to consider their response.

The possible outcomes following a Grievance meeting are as follows:

- The Grievance is upheld in full, or
- The Grievance is rejected, or
- The Grievance is partially upheld – i.e. the Grievance Officer agrees with some of the employee's concerns, but not others.

Notification of Outcome

The Grievance Officer must notify the employee in writing of their decision, within 5 working days of the final meeting under the stage. In the letter, the Grievance Officer should set out:

- The outcome – i.e. if the grievance has been upheld rejected or partially upheld.
- The reasons for the decision.
- Any facts or information which the Grievance Officer has ascertained in coming to their decision
- Any recommendations or agreed actions for the parties to take.
- The employee's right to appeal the decision, and the timescales involved in so doing.

Additionally, the Grievance Officer may choose to meet with the employee to explain the outcomes in person, before confirming the outcome in writing, as above.

Stage 3 Referral to Governing Body

If an employee wishes to appeal the outcome of a Grievance meeting they are entitled to do so within 5 working days of receiving, in writing, the letter following the grievance meeting.

To raise an appeal, the employee must write to the Grievance Officer (who led the Stage Two grievance meeting), explaining why they were dissatisfied with the decision. The Appeal letter will be passed to the Clerk to the Governors. The Clerk to the governors will acknowledge the Appeal request in writing within 5 working days, and will arrange for a meeting to take place within a further 10 working days.

The Appeal meeting will be heard by three members of the Governing Body. One of the Governors will act as Chair of the Meeting. The Clerk to the Governors will also be present to take notes during the meeting, and an Adviser from Croner may also be present to advise the Panel.

The format of this meeting will be similar to the Stage One meeting.

At the Appeal meeting the Chairperson will seek to understand:

- The employee's reasons for raising an appeal, and
- Their original concerns (the subject of the Grievance)

The Panel will review the paperwork and will invite the Grievance Officer to the meeting, as a witness, to provide information.

Following an adjournment to consider the information that they have heard, the Appeal Panel will make a decision. The rationale for their decision-making will be recorded in the notes. The possible outcomes are:

- Decision of grievance meeting fully upheld
- Decision from grievance meeting overturned, or
- Decision from grievance meeting partially upheld.

The Appeal chairperson will let the employee know the outcome of the Appeal in person at the end of the meeting, and this decision will be confirmed in writing. If the Panel are not able to reach a decision on that day, they will explain to the employee when they can expect a decision, and notify the employee of the outcome in writing.

The Appeal Chairperson will provide written reasons for their decisions.
This is the end of the Grievance procedure.

Disputes procedure

If you have a dispute as a group relating to your employment, then you have the right to express it.

A dispute applies when an employee raises an issue that affects a number of employees within one section or across the school. This may be a matter of controversy that requires a solution. The principles within the Grievance Procedure should be followed in as much as

the employees and management should try and resolve the matter within the school at the lowest level of management in the first instance.

All complaints and disputes will be dealt with as quickly as possible.

Dealing with a Dispute

All stages of the Grievance Procedure should be followed in order to seek resolution of the dispute.

If the dispute is not resolved by the end of Stage 2, the appropriate trade union representative of the employees should register a dispute with the Clerk to the Governing Body within 5 working days of the written confirmation of the decision at Stage 2. This notification shall be in writing and set out the full grounds for why the dispute has been registered.

If the dispute remains unresolved then the matter will be referred to the Appeals Panel of the Governing Body as described in the Grievance Procedure above. The parties in the dispute should prepare and exchange more detailed written statements of their respective cases. These statements will be given to the Appeals Panel.

Grievances raised by more than one employee

The process for Grievances raised by multiple employees mirrors that for individual employees. All of the stages should be followed, including the informal stage, which can be used effectively in grievances raised by more than one employee. It may be possible for each employee to speak at the Grievance meeting, or it may be more practical for the employees to appoint a spokesperson.

Similarly, employees may find it more practical to select one person to act as their Companion, or Representative, at meetings.

In grievances raised by multiple employees, and depending on their complexity, it is to be expected that the timescales may be longer than for individual grievances. All the parties should agree the revised timescales at the beginning of the procedure, and a commitment made to adhere to them.

Grievance Procedures for Employees who have left employment

Occasionally, an individual may feel the need to raise a grievance once their employment has come to an end. The details of the Grievance must be put in writing, and should be sent to the employee's former Headteacher.

In most circumstances, the grievance will only be heard if the grievance is submitted within 3 months of the employee leaving the organisation.

Within 5 working days of receiving the grievance in writing, the Headteacher will investigate the grievance and Chair a Grievance Meeting, to which the employee will be invited. If the employee agrees, the Grievance can be investigated and considered without a meeting. The same applies to the Appeal process.

The process at the Grievance meeting, including the role of the Companion, will mirror the process for current employees.

The Headteacher may need to call on other parties for evidence, but will endeavour to progress the grievance in a timely and efficient manner. A written decision will be provided to the individual within 10 working days of the last meeting.

If the individual is unhappy with the outcome, they can request an appeal meeting. This must be done within 5 working days of the receipt of the letter advising them of the outcome of the first grievance meeting.

The appeal meeting will be convened no later than 10 working days after receipt of the appeal request, and will be heard by a pane of three Governors.

The Clerk to the Governors will invite the former employee to the Appeal meeting, and will attend the meeting to take notes.

The former employee will continue to enjoy the right to be accompanied, in accordance with the same policies as for current employees. The outcomes of the appeal meeting will be communicated to the former employee in writing, within 5 working days of the final meeting.

General Points about the Grievance Procedure

Timescales

It is in all parties' best interests to resolve grievances as quickly as possible. There are specific timescales provided in the policy, which must be adhered to, and expected timescales given which all parties are encouraged to achieve.

'Working day' in this procedure refers to Monday to Friday (excluding weekends and public holidays). Unless there are exceptional circumstances, no member of staff shall be expected to attend a meeting under this procedure on a day when they are not contracted to work.

Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

A Staged Approach

The Grievance procedure will normally be followed in sequence. There is an expectation that attempts will have been made to resolve a grievance informally, before starting the formal procedure.

However, in the case of more serious grievances, the employee can go straight to the formal stage of the procedure (stage 2).

Right to be accompanied

Employees have the right to be accompanied at all stages of the formal procedure and may choose to bring a Companion for support to the informal meeting. The employee's companion can be a work colleague, a full time Trade Union Official or an accredited Trade Union Representative.

Employees will be asked to put the name of their companion in writing, and send it to the Grievance Officer (or Appeal Chairperson).

Witnesses

If witnesses are called to attend a Grievance Meeting, including an Investigation Officer, they will be present for the duration of their evidence, and then they will leave the meeting.

Record Keeping

Notes will be made of all formal Grievance meetings, and copies given to the employee for information. The responsibility for ensuring that notes are made at grievance meetings lies with the Grievance Officer. The Clerk to the Governors will be responsible for taking notes at appeal meetings, which will be agreed by the Appeal Chairperson before sent to the employee.

Records of Grievance matters should be treated as confidential and kept securely, and kept in accordance with the Data Protection Act. If any Safeguarding issues have arisen during the Grievance, the documentation may need to be passed to the Safeguarding officer (LADO).

Overlapping Procedures

Where an employee raises a Grievance during the disciplinary process, the disciplinary process can be temporarily put on hold, until the outcome of the grievance is known.

However, where the two procedures are about related issues, it may be possible to deal with the two concurrently. Similarly, where another procedural policy applies, such as the

Sickness or Capability procedure, it may be possible to cover the essential elements of both procedures at a combined meeting.

Employees with Disabilities

If an employee requires any reasonable adjustments to be made to enable them to fully participate in the process, they should notify their Grievance Officer, or the Clerk to the Governors, as soon as possible.

Peter Kayes
Chair of Governors

READING GIRLS' SCHOOL GRIEVANCE FORM

This form must be used in order to proceed with a formal grievance. You or your trade union representative should complete this form and hand it to the line manager as indicated at Stage 1 of the procedure for dealing with grievances. Attach any supporting information to this form.

NAME:		SCHOOL:	
JOB TITLE:			

STAGE 1 GRIEVANCE – TO LINE MANAGER/TEAM LEADER

Please state fully the nature of your grievance:

Have you tried to resolve your grievance informally? **YES / NO** If YES, please state what happened:

Why are you unhappy with the response?

What resolution are you seeking?

Please list any witnesses or statements / documents that may be referred to should it come to a hearing:

Signed (employee):

Date:

DECISION AT STAGE 1

Outcome of meeting held at Stage 1, and reason(s) for decision:
(to be completed by line manager)

Employee's view / comments:

Has anything changed since the original grievance form was completed? *(to be answered by line manager)*

If so, this grievance should be submitted separately.

Name of Line Manager:

Signed:

Date:

STAGE 2 GRIEVANCE – HEADTEACHER

This pro-forma and supporting information should be forwarded to the Headteacher within 5 working days of receipt of the written decision at Stage 1.

DECISION AT STAGE 2

Outcome of meeting held at Stage 2, and reason(s) for decision:
(to be completed by Headteacher)

Employee's view / comments:

Name of Headteacher:

Signed *(Headteacher)*:

Date:

STAGE 3 GRIEVANCE – REFERRAL TO GOVERNING BODY

This pro-forma and supporting information should be forwarded to the Clerk to the Governing Body Within 5 working days of receipt of the written decision at Stage 2.

DECISION AT STAGE 3

Outcome of meeting held at Stage 3, and reason(s) for decision:
(to be completed by member of the Governing Body)

Employee's view / comments:

Name of member of the Governing Body:

Signed *(member of the Governing Body)*:

Date: