



THE BEMROSE SCHOOL

GRIEVANCE POLICY

MANAGER: N WILKINSON

ADOPTED: JULY 2020

1. AIM

This policy aims to enable employees to raise concerns about workplace issues without fear of victimisation and repercussion, and to ensure all grievances are dealt with fairly and objectively.

2. LEGISLATION AND GUIDANCE

We are required to set out grievance procedures under [The School Staffing \(England\) Regulations 2009](#), in particular regulation 7.

These grievance procedures are based on the [disciplinary and grievance code of practice from Acas](#).

3. INTRODUCTION

- 1.1 The Governing Body recognises the right of every employee to express a grievance relating to their work. The purpose of this procedure is to settle complaints promptly, fairly and as near as possible to the point of origin.
- 1.2 This grievance procedure has been determined by the Governing Body of The Bemrose School in accordance with the advice of the appointed Human Resources (HR) advisors consistent with the requirements of National and Local Conditions of Service and the Articles and Instruments of Government. It applies to all staff employed within the staffing complement of the school.
- 1.3 A grievance is a concern, problem or complaint raised with the school by an employee. Issues such as working conditions, health and safety concerns, bullying or discrimination or work relations, can cause a grievance. This policy does not cover issues raised by people who are not employed by the school, as this would fall under our complaints procedure

- 1.4 In the event of the grievance being against the Governing Body or Sub-Group of the Governing Body, for instance subsequent to an appointment, the matter should be raised in the first instance with the Executive Headteacher in accordance with step 2 below. Should the case not be resolved at this stage the Governors' Appeals Committee will not include any Governor previously involved in the case.
- 1.5 At any stage throughout the grievance procedure an employee is entitled to consult and be represented by his/her professional association or trade union, colleague or friend.
- 1.6 The Authority's officers and advisers have no direct role in resolving the grievance, which is the responsibility of the Governing Body. The Governing Body of the school however will wish to be advised by the Schools' HR Advisors at any formal meetings to consider the grievance, and will seek advice as necessary at the informal stages of the procedure.
- 1.7 The following steps should be followed in sequence to seek to resolve the grievance.

2. INFORMAL STAGE

- 2.1 Where an employee has a grievance involving another employee, an attempt should first be made to resolve the matter as soon as possible by a direct approach to the employee.
- 2.2 Where a direct approach has proved unsuccessful the employee with a grievance should raise the matter with the line manager or, if the grievance is with the line manager, with the next appropriate senior manager.
- 2.3 Where the aggrieved employee requests a personal interview it should be granted within five working days and in turn, the line manager or appropriate senior employee should respond to the grievance orally as soon as possible and in any case within five working days.
- 2.4 The line manager should seek to resolve the problem personally or, by mutual agreement, in consultation with other employees.

3 FORMAL STAGE

- 3.1 Should the matter not be resolved to the satisfaction of the complainant at this level, the complaint should be referred to the Executive Headteacher for attention. The matter may appropriately be referred also to the complainant's

recognised professional association or trade union to allow representations to be made on behalf of the complainant.

- 3.2 The Executive Headteacher upon receipt of a grievance, an investigating officer will be appointed. This will be an independent individual with no prior knowledge of the complaint.
- 3.3 The investigating officer will undertake a grievance investigation and will make a recommendation.
- 3.4 The employee will be invited to explain their grievance and how they think it could be resolved. A friend or professional association or trade union representative may represent the employee at the meeting.
- 3.5 The Executive Headteacher may also, by mutual agreement, seek consultation with the Schools' HR Advisors or with representatives of the trade union(s) or professional association(s) concerned, as may be thought appropriate.
- 3.6 The meeting will be adjourned and the Executive Headteacher will reflect on it before coming to a decision. This decision will be communicated to the employee in writing within five working days. It will set out the action that will be taken to resolve the grievance. It will also inform the employee that they can appeal if they are not satisfied with the outcome, and explain how to do this.

4 APPEAL STAGE

- 4.1 In the event of an appeal against the decision of the Executive Headteacher, the complainant may require the matter to be referred to an Appeals Committee. The meeting will be held within fifteen working days or by mutual agreement as soon as practicable thereafter. The employee will be informed in writing of the place, date, time and purpose of the meeting and of the right to be accompanied by a union, professional association or other representative.
- 4.2 The matter will end following consideration of the appeal except if it is agreed by the parties or determined by the Governing Body that there is an important principle arising which could be considered by the School's HR Advisors or subsequently through conciliation machinery. The outcome of the appeal will be reported to the next meeting of the Governing Body.

5 GRIEVANCE AGAINST THE HEADTEACHER

- 5.1 Where an employee has a grievance with the Executive Headteacher they should try to resolve the matter as soon as possible by a direct approach to the Executive Headteacher

- 5.2 Where a direct approach has proved unsuccessful, the employee should submit their grievance in writing to the Chair of Governors.
- 5.3 The Chair of Governors will arrange a meeting with the Executive Headteacher and the employee as soon as practicable to attempt to resolve the grievance.
- 5.4 The employee will be invited to explain their grievance and how they think it could be resolved. A friend or professional association or trade union representative may represent the employee and the Executive Headteacher at the meeting.
- 5.5 The Chair of Governors will make a decision about the grievance and respond to the Executive Headteacher and the employee within five working days.
- 5.6 If the employee or the Executive Headteacher is unhappy with the decision of the Chair of Governors, the matter may be referred to an Appeals Committee.

6 GRIEVANCE BY THE EXECUTIVE HEADTEACHER

- 6.1 In the event of the aggrieved person being the Executive Headteacher, if it is not possible to resolve the matter informally by a direct approach to the person concerned, it will be referred to a nominated member of the Governing Body. They will seek to resolve the grievance personally and who may also, by mutual agreement, seek consultation with the Schools' HR Advisors or with representatives of the professional associations concerned, as may be thought appropriate.
- 6.2 The nominated governor will arrange a meeting with the parties involved to attempt to resolve the grievance
- 6.3 Oral submissions may be received from representatives of recognised trade unions or associations on behalf of the parties involved. The matter will be dealt with within five working days and the parties notified in writing of the outcome.
- 6.4 Where it has not been possible to resolve the grievance through the above procedure, the Executive Headteacher may refer the matter to an Appeals Committee. The nominated governor will make a formal written report to the Appeals Committee.
- 6.5 The Appeals Committee will determine the grievance in accordance with steps outlined in paragraph 4 above.

PROCEDURES FOR APPEALS COMMITTEE

1. The employee will be given at least ten working days' notice in writing of the date, time and place of the hearing and shall be entitled to be represented by his/her Trade Union or professional association representative or friend and shall be able to call witnesses and to present the documents relevant to his/her defence.
2. Copies of all documents to be relied on at the hearing shall be submitted to the Committee and the parties concerned at least five working days prior to the date of the hearing.
3. The Executive Headteacher, nominated governor or representative to put the case in the presence of the employee and to call witnesses.
4. The employee to have the opportunity to ask questions of the Executive Headteacher, nominated governor or representative on the evidence given by him/her and any witness whom he/she may call.
5. The members of the Committee to have the opportunity to ask questions of the Executive Headteacher, nominated governor or representative and witnesses.
6. The employee to put his/her case in the presence of the Executive Headteacher, nominated governor or representative and to call such witness as he/she wishes.
7. The Executive Headteacher, nominated governor or representative to have the opportunity to ask questions of the employee and his/her witnesses.
8. The Committee to have the opportunity to ask questions of the employee and his/her witnesses.
9. All witnesses to withdraw at this point.
10. The Executive Headteacher, nominated governor or representative and the employee to have the opportunity to sum up their case if they so wish.
11. The Executive Headteacher, nominated governor or representative and the employee to withdraw.
12. The Committee to deliberate only recalling the Executive Headteacher, nominated governor or representative and the employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding that only one may be concerned with the point-giving rise to doubt.

13. The Committee will announce its decision to the employee personally and to his/her representative, Executive Headteacher and nominated governor.

RECORD KEEPING

Minutes will be kept of all meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting. Records of all materials relating to the grievance process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices.

GRIEVANCES AFTER EMPLOYMENT HAS ENDED

- 1 A grievance submitted by an employee who has left the school will not normally be investigated. This is because the employee did not raise the issue while they were in employment.
- 2 In exceptional circumstances, where the Governing Body considers that a complaint represents a serious breach of school procedures, a grievance submitted by an employee who has left the school will be investigated. A written report of the outcome and any action taken will be sent to the complainant

LINKS WITH OTHER POLICIES

This policy links with our policies on:

- Staff disciplinary procedures
- Complaints procedure, which sets out how grievances will be raised by those not employed by the school
- Equality
- Privacy notice for the school workforce

PERFORMANCE INDICATORS

1. The number of grievances lodged.
2. The stage which each grievance reached.
3. The outcome of each grievance.