**Wribbenhall School**

**Grievance Policy and Procedure**



Written: Spring Term 2020

Date of Next review: Spring Term 2021

**To be read in conjunction with:**

Complaints Policy

Staff Grievance Policy

**Approved by:**

**Proprietor:** Ellis Wells

12th April 2020

Aims

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.

Legislation and guidance

We are required to set out grievance procedures under general employment law.

These grievance procedures are based on the disciplinary and grievance code of practice from ACAS.

Definitions

A grievance is a concern, problem or complaint raised with the school by an employee. It can be caused by issues such as working conditions, health and safety concerns, bullying or discrimination or work relations. This policy does not cover issues raised by people who are not employed by the school, as this would fall under our Complaints Policy and Procedure.

General Principles

There are a number of issues that can cause grievances at work and these may include working conditions, application or non-application of policies and procedures, environment, relationships with management or colleagues, duties and responsibilities, or work volume. Grievances may relate to discrimination, harassment, bullying or victimisation. The aim of this procedure is to enable any employee to have his/her grievance heard and to seek redress as appropriate. The intention is that grievances should be settled quickly and fairly and should be first dealt with as close to the source as possible.

Where the grievance relates to a matter covered by another procedure for example pay, probation or confidential reporting, then the matter will be dealt with in accordance with the relevant procedure. This grievance procedure may not be used to complain about dismissal or disciplinary action. An employee who is dissatisfied with any formal warning should submit an appeal under the Complaints Policy and Procedure.

Where an employee raises a grievance during any existing process or procedure that

process may be temporarily suspended in order to deal with the grievance. However, where the grievance and the existing process are related, it may be appropriate to deal with both issues concurrently. The Proprietor or the Governor will have discretion to decide which option is appropriate, in all circumstances.

The procedure applies to all employees including the Headteacher and members of the leadership team, full and part-time, permanent and temporary employees. This procedure does not form part of any employee’s contract of employment and it may be amended at any time.

An employee who is a member of a trade union may consult that trade union’s

representative before invoking the grievance procedure, but the employee should normally raise the problem personally with the immediate line manager before involving his/her trade union representative.

Those responsible for dealing with employees’ grievances will treat them seriously and attempt to resolve them as quickly as possible. There will be no attempt to block an employee’s wish to raise the grievance at a higher level.

Employees should recognise that an investigation may be necessary which may delay the process beyond normal time limits. At any stage of the procedure the Proprietor/Headteacher and/or Governor may refer to an adviser external to the school for guidance to bring about a resolution of the grievance acceptable to both sides outside the formal procedure. Such conciliation is without prejudice to the

position of both parties in the procedure.

The Headteacher and/or senior managers and/or Governors may wish to take advice from Wribbenhall School’s HR Adviser before considering a grievance.

Grievance procedures

We are committed to dealing with grievances fairly and objectively. Employees will be protected from discrimination or victimisation after raising a work-related grievance.

## Informal stage

Most grievances can be resolved quickly and informally through discussion. If an employee feels unable to speak to the person causing the grievance, then the employee should speak informally to his/her immediate line manager. If the member of staff’s concerns relate to their line manager they should discuss the issue with the line manager’s manager. If this does not resolve the issue, the employee should follow the formal procedure below.

It may be necessary for the member of staff who has raised a grievance to attend a meeting to discuss the concerns in more detail. However, this will be determined on a case-by case basis.

## Formal stage

If the employee is not satisfied his/her concerns have been addressed informally, the employee should submit the grievance in writing, indicating that it is a formal grievance, to the Headteacher. The employee should state the grounds of their grievance and the remedy that is being sought.

It may be necessary to carry out an investigation into the grievance. Therefore an

investigating officer will be appointed. This will be an independent individual with no prior knowledge of the complaint. The investigating officer will undertake a grievance investigation and will make a recommendation.

The amount of any investigation required will depend on the nature of the complaints and will vary from case to case. It may involve interviewing and taking statements from the employee, any witnesses, and/or reviewing relevant documents.

The employee must co-operate fully and promptly in any investigation. This may include informing those handling the investigation of the names of any relevant witnesses, disclosing any relevant documents and attending interviews.

A grievance panel will also be appointed. This group of people will be separate from the investigating officer and will be chaired by an independent individual, with no prior knowledge of the complaint. The panel will be made up of at least 2 people and may include the headteacher, a local governor, the employee’s line manager or another senior member of staff. The panel may be advised at the hearing by the school’s HR Adviser.

A formal meeting will be arranged within 10 working days after the grievance has been raised. At the meeting, the employee will be given the opportunity to explain their grievance and how they think it should be resolved. Employees have a statutory right to be accompanied by a companion at a grievance meeting. The companion must be a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings.

At any grievance meeting or appeal meeting, an employee’s Companion may make

representations and ask questions but should not answer questions on the employee’s behalf. If an employee’s chosen Companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee will normally be required to find an alternative Companion.

Preparing for the formal meeting

Prior to the meeting the chair should consider:-

• arranging for someone who is not involved in the case to take notes of the meeting and to act as a witness to what was said

• whether to offer independent mediation dependent on the nature of the grievance.

During the formal meeting

During the meeting the chair should:

• remember that a grievance meeting should allow for discussion and dialogue which may lead to an amicable solution.

• invite the employee to re-state their grievance and how they would like to see it

resolved

• consider adjourning the meeting if it is necessary to investigate any new facts which may arise

• sum up the main points of the grievance

• inform the employee when they might reasonably expect a response if one cannot be made at the time.

Where a grievance is against the headteacher the Governor will chair the hearing stage of the procedure. In such instances, the employees right of appeal will be

to the Complaints Pannel.

Deciding on appropriate action

The meeting will be adjourned, and the panel will reflect on it before coming to a decision. This decision will be communicated to the employee in writing within 5 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.

Appeals

If the employee is not satisfied with the outcome of the grievance, they have the right to appeal the decision. The employee should set out their grounds of appeal in writing and submit this to Ms Vivien Morgan (Chair of the Complaints Panel) within 5 working days of receiving the written confirmation of the original decision. The employee must detail how they consider the grievance procedure has not been correctly applied, and/or how the outcome was not reasonable or proportionate.

A grievance appeal panel will be convened. This will be a group of people independent from any previous stage of the grievance procedure. The panel may be advised at the hearing by the school’s HR Adviser.

Wribbenhall School has an arrangement with Northleigh House School Trustees to convene an independent Complaints Panel on request. Appeals will be heard without unreasonable delay. Employees will be told the time and place of the appeal meeting in advance.

Employees have the same statutory right to be accompanied to the appeal meeting by a work colleague, trade union official, or trade union representative who has been certified as being competent to attend such meetings. The outcome of the appeal will be confirmed in writing to the employee within 5 working days. This is the end of the procedure and there is no further right of appeal.

Record keeping

Minutes will be kept of all meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed. Records of all materials relating to the grievance procedure will be kept for an appropriate period according to GDPR2016/679 and the school’s Data Management Policy