

# PERRYFIELDS PRIMARY PRU



## STAFF GRIEVANCE POLICY

<b>Review Date</b>	<b>Reviewed Date</b>	<b>Reviewer (Who?)</b>	<b>Approved By Name and Date</b>
<b>October 2022</b>	<b>June 2022</b>	<b>SLT  Pay and Resources Committee</b>	<b>Management Committee  05.07.2022</b>
<b>June 2023</b>			

<b>Minutes Reference</b>	10.5
<b>Signature of Chair</b>	

## **Statement of intent**

Perryfields Primary PRU works to develop good professional relationships between colleagues; however, we understand that sometimes conflicts may arise. Through maintaining open communication, we want our employees to feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the school aims to:

- Provide a platform for grievances to be processed and handled fairly and consistently.
- Constructively resolve grievances in a way that avoids damaging professional relationships.
- Enable any employee to have their grievances heard and addressed.
- Encourage a harmonious working environment.

## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Equality Act 2010
- Acas (2015) 'Code of practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Performance Management and Capability Policy
- Staff Code of Conduct
- Data Protection Policy
- Whistleblowing Policy
- Staff Equality, Equity, Diversity and Inclusion Statement
- Pay Policy
- Pay Policy

## 2. Roles and responsibilities

The Management Committee is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that all members of staff read and understand the provisions in this policy.
- Assuming the Headteacher's responsibilities, where a grievance is in relation to the Headteacher.
- Determining the outcome of a grievance appeal.
- Ensuring no member of staff is discriminated against, in accordance with the Equality Act 2010.
- Handling any incidents of malicious grievance reporting.
- Handling any disciplinary actions following a grievance being raised.

The Chair of the Management Committee is responsible for:

- Allocating the role of investigation officer to a governor.
- Where they are the investigating officer, receiving assistance from the LA's HR department.

The clerk to governors is responsible for:

- Forming an appeal panel, where necessary.

The Headteacher is responsible for:

- The day-to-day implementation of this policy.
- Handling any grievances that are brought to their attention.
- Overseeing any grievances raised by employees.

- Alongside the Chair of the Management Committee appointing an impartial grievance officer (member of the Management Committee), who assists the Headteacher in handling any grievances.
- Working with the investigation officer to resolve any grievances as appropriate.
- Assessing information during grievance meetings and investigations, and assisting the grievance officer in determining the best course of action.
- Writing and delivering grievance outcome letters.

The grievance officer is responsible for:

- Resolving employees' formal grievances promptly.
- Assisting with the grievance investigation.
- Presenting information at grievance meetings and during any appeal hearings.
- Making any reasonable adjustments to ensure employees are able to attend meetings.
- Remaining unbiased and listening to all sides of the grievance to uncover the truth.
- Appointing an impartial investigation officer if required.
- Communicating factual evidence at appeal hearings.
- Determining what the grievance outcome will be – unless the grievance goes to an appeal, in which case the governing board is responsible.

The investigation officer is responsible for:

- Investigating the facts of a grievance, as directed by the grievance officer and Headteacher.
- Providing evidence at grievance meetings.
- Standing as a witness during any appeal hearings.

Employees are responsible for:

- Raising grievances without unreasonable delay.
- Submitting formal grievances in writing to the grievance officer within two months, using the employee grievance form.
- Ensuring any grievances that they raise are truthful and fair.

### **3. When to raise a grievance**

Grievances can be raised when employees have issues with the following (this list is not exhaustive):

- Terms and conditions of their employment
- Health and safety at the school
- Work relationships
- Bullying or harassment
- Working practices
- Organisational changes
- Discrimination

Staff will be made aware of the difference between this policy and the Whistleblowing Policy and will ensure that they report concerns and grievances appropriately.

This policy does not apply to:

- Personal disagreements between employees that are not connected with their duties within the school.
- Restarting grievances that have since been closed unless the facts of the matter have changed. If there has been a change in facts, this policy should be followed.
- Pay gradings – these are addressed by the Teachers’ Pay Policy and Support Staff Pay Policy.
- Collective grievances – these should be handled in accordance with a collective grievance process.

#### **4. How to raise a grievance**

Employees will raise any initial grievances with the Senior Leadership Team (SLT) by writing a letter outlining their grievance – a member of SLT will conduct an informal meeting with the employee raising the grievance. If the grievance is in relation to their member of SLT, the employee will raise the grievance with the Headteacher.

Initial grievances will be raised within two months of the incident that lead to the grievance. If employees wish to raise a grievance outside of this timeframe, additional supporting information may be required, e.g. why it took so long to raise the grievance. If employees wish to submit grievances straight to the formal stage, they will submit the grievances to the Headteacher.

The table below includes the job roles of all individuals within the school who are authorised to hear grievances:

<b>Job role</b>
Headteacher
Deputy Headteacher
Assistant Headteacher
DSL/SENCO

#### **5. Initial handling of a grievance**

All information processed during a grievance will be kept in accordance with the Data Protection Policy.

Employees will have the right to be accompanied at all stages of a formal procedure and may choose to bring a companion to the informal stages. The employee’s companion will be either:

- A colleague or friend; or
- A trade union official or accredited trade union representative.

Companions will not:

- Answer questions on the employee's behalf.
- Address the hearing if the employee does not want them to.
- Pose a conflict of interest to the grievance being raised.
- Prevent the employee from explaining their case.

### **The informal stage**

Employees will first submit their grievances to a member of SLT so that the grievance can go through the informal stage. SLT staff will inform the Headteacher (unless the grievance is against the Headteacher, in which case it would go straight to the Chair of the Management Committee) and grievance officer that an informal grievance has been made; however, the identities of those involved will not be provided at this stage.

The purpose of the informal stage is to resolve the issue in an open, honest and positive manner, to avoid formal escalation.

The informal meeting will take place within five working days of the grievance being raised. SLT will arrange a time for the informal meeting – the employee will be informed of this in writing. If the employee is unable to attend, the SLT will arrange another suitable time.

In the informal meeting, the member of SLT will determine:

- What the employee is concerned about.
- What outcome the employee is seeking.
- Whether further meetings and escalation to the formal stage are required.

The member of SLT will keep notes during the informal meeting and the employee will be provided with a copy of these immediately. At the end of the informal meeting, the member of SLT will agree what action will be taken to achieve the appropriate outcome and by when, e.g. escalation to the formal stage. The member of SLT will provide the employee with a written outcome letter within five days of the meeting.

If the grievance relates to another employee, that employee will be informed in writing within five days and the member of SLT will hold a meeting with them to explain. The identity of the person raising the grievance will not be provided to any other employee.

If the working relationship between the employees for which the grievance is concerned is breaking down, the member of SLT will consider whether seeking assistance from the Headteacher or grievance officer is appropriate.

If a resolution cannot be found during the informal stage, the employee raising the grievance may be advised to escalate the matter to a formal grievance – employees will complete the employee grievance form to do this.

### **Grievance hearing – formal stage**

The employee will also write a statement of the grievance, which will include:

- A brief description of the events that lead to the grievance, including names and dates.
- An account of how the events made the employee feel.

- What actions the employee has taken to resolve the grievance.
- What outcomes the employee is hoping for.

Employees will be advised to keep a copy of their employee grievance forms and written statements. Once the investigating officer (member of the Management Committee) receives the employee grievance form and written statement, they will, in liaison with the grievance officer (member of the Management Committee), invite the employee to a formal meeting within 10 working days.

If the employee or their companion is unable to attend the scheduled meeting, a suitable alternative date will be arranged. If the employee is persistently unable or unwilling to attend the meeting without good reason, the grievance officer will make a decision based on the evidence available.

The grievance officer will lead the meeting and they will ensure that the employee has an opportunity to explain their grievance. The grievance officer will attempt to resolve the grievance at this meeting, so long as no investigations are required, e.g. no fact checking is required. The investigating officer will take minutes during the formal stage meeting – these minutes will be kept confidential and safe, in line with the Data Protection Policy. An electronic copy of the minutes will be shared with the employee immediately.

If no resolution can take place during the formal stage meeting, an investigation will take place and a further meeting will be held within 15 working days.

## **6. The grievance investigation**

The grievance officer will conduct one of the following two investigations:

- A fact checking investigation
- A full investigation

The grievance officer will determine which type of investigation is required on a case-by-case basis. Following the initial formal meeting, the grievance officer may need to conduct a fact checking investigation before resolving the grievance. Fact checking investigations will be conducted in a professional, timely and non-intrusive manner. These investigations may involve interviews with member of SLTs and email searches.

For full investigations, the grievance officer will:

- Appoint a member of the Management Committee to be the investigation officer within five working days.
- Assist the investigation officer as far as they can without interfering with the investigation.

During full investigations, the investigation officer will:

- Aim to conclude their investigations within 15 working days.
- Interview the employee concerned, plus other employees whose information may have a bearing on the case.
- Present their findings in writing to the grievance officer, who will provide a copy to all employees involved.

The investigation officer will not be responsible for determining the outcome of the grievance – this responsibility will lie with the grievance officer.

## **7. Grievance outcomes**

Once the investigation report has been received, the grievance officer will call a grievance meeting to which the employees concerned, and their companions, will be invited. At this meeting, employees will be given an opportunity to answer any questions that arose from the investigation.

At the grievance meeting, the grievance officer may decide to invite witnesses, e.g. the investigation officer, to answer questions. The grievance officer and the employees concerned will be permitted to ask witnesses questions. Employees will also be permitted to invite witnesses to this meeting.

Once all the information has been presented, the grievance officer will adjourn the meeting to make their decision. The grievance officer will consider each side of the grievance and make a decision – this will be recorded in the outcome letter. The outcomes possible following a grievance are as follows:

- The grievance is upheld in full
- The grievance is rejected in full
- The grievance is partially upheld, e.g. there is validity to some of the grievance
- Mediation

A 'partially upheld' outcome will not be used as an outcome when a decision cannot be reached. Sometimes, mediation will be used as an outcome. This will involve all parties collaborating to find an acceptable outcome.

The grievance officer will write an outcome letter within five working days and provide a copy of this to the employee. The letter will include information on:

- The chosen outcome.
- The reasons for the decision.
- Any facts that the grievance officer has ascertained in coming to their decision.
- Any recommendations or agreed actions to take.
- The employee's right to appeal the decision.

If it is necessary and appropriate to take disciplinary action, the grievance officer, Headteacher and Management Committee will meet to determine what action is appropriate in line with the Disciplinary Procedure. Disciplinary action will be proportionate and may include, but not be limited to, the following actions:

- Re-training
- Verbal warning
- Written warning
- Suspension with pay
- Termination of employment

Gross misconduct will result in the employee's contract of employment being terminated. If an employee has already received a written warning, suspension with pay may be considered.

Where a grievance is raised against an employee during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related, the grievance officer will deal with both issues concurrently.

## **8. Appeals**

Where employees wish to appeal the outcome of a grievance, they are entitled to do so within 10 working days of receiving the outcome letter.

To raise an appeal, employees will complete the grievance appeal form and explain why they are dissatisfied with the outcome – this form will be given to the clerk to governors. The clerk to governors will:

- Acknowledge receiving the form within five working days.
- Arrange an appeal meeting within 10 working days.
- Invite the grievance officer and investigation officer to the meeting.

The Management Committee will form an appeal panel comprising three governors who have not been compromised. The appeal panel will decide which governor will be the chairperson and who will take notes – this process will be formally minuted by the clerk to governors. The appeal panel will review the paperwork and interview any relevant witnesses before making their decision.

The employee will:

- Be given the opportunity to explain their case at the meeting.
- Be permitted to bring a companion.
- Not introduce new grounds for raising their concern.

When the panel have heard all the information, including the rationale for the original judgement, they will make a decision on the outcome. The outcome decision will be provided to the employee in a written letter within five working days of the appeal meeting. The panel's decision will be final.

## **9. Malicious grievances**

Disciplinary action may be taken against employees making malicious grievances. Bullying, harassment or victimisation will not be tolerated.

All employees will be made aware of the school's Staff Code of Conduct and act in accordance with it. All employees will adhere to the Staff Equality, Equity, Diversity and Inclusion Statement.

## Employee grievance form

Employees who wish to raise a **formal** grievance are required to complete this form and submit it to the Chair of the Management Committee.

Please note: grievances should be raised within two months of the incident that led to the grievance.

This form is for formal grievances only. Please also provide a letter outlining:

- A brief description of the events that led to the grievance, including names and dates.
- An account of how the events made you feel.
- What actions you have taken to resolve the grievance.
- What outcomes you are hoping for.

Employee details			
<b>Name</b>			
<b>Job title</b>		<b>Form completion date</b>	
Grievance details			
Does your grievance relate to another member of staff?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date of last incident relevant to grievance:			
<b>Please provide details of the grievance:</b>          			
<b>Please detail any individuals involved:</b>          			

**Please provide details of your preferred solution:**

Are you being supported by a colleague, trade union official or trade union representative?

Yes

No

If yes, please provide their name:

Employee's signature

## Grievance appeal form

Please submit this form to the clerk to governors within 10 working days of receiving the grievance outcome letter.

Employee details			
Name			
Job title		Form completion date	
Grievance appeal details			
Date of grievance meeting:			
Outcome of grievance meeting:			
<b>Please provide details of the grievance appeal:</b>			
<b>Please provide details of your preferred solution:</b>			
Are you being supported by a colleague, trade union official or trade union representative?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide their name:			
Employee's signature			

