

PORTFIELD SCHOOL & SATELLITE CENTRES



POLICY DOCUMENT FOR GRIEVANCE PROCEDURE



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Welsh Heritage
Schools Initiative



Menter Ysgolion y
Drefadaeth Gymreig



Review of Policy

This policy will be reviewed biennially unless changes of circumstances or legislation requires it to be amended earlier.

Signed: Signed:
Headteacher Chair of Governors

Date:

Portfield School Mission Statement

Working together Learning together Achieving together

At Portfield School we strive to

- Create a happy, safe, supportive and stimulating learning environment
- Value everyone
- Develop everyone's personal, social, emotional health and wellbeing
- Promote relevant academic and vocational skills
- Meet individual needs through an imaginative and flexible approach
- Enable all learners to achieve their full potential

UNCRC United Nations Convention on the Rights of the Child

- Portfield School places the values and principles of the UNCRC at the heart all policies and practices
- Portfield School is a Rights Respecting School

GRIEVANCE PROCEDURE

1. Introduction

- 1.1 This procedure enables an employee to raise any concerns they may have about their job, these concerns could be about the work itself, working conditions or about the people they work with.
- 1.2 The objective will be for both parties to deal with an issue with a spirit and intent that resolves it through discussions.
- 1.3 This procedure shall apply to all workers in schools who are employed by the Governing Body.*
- 1.4 The procedure aims to help to resolve individual grievances in a manner which is as fair and speedy as possible. It is the policy of the Governing Body (in partnership with the County Council) to find a solution to individual issues as early as possible. Therefore it is the intention that individual concerns should be dealt with and resolved with the line manager at any time before a formal grievance is raised.
- 1.5 Lobbying of Councillors or Governors by individual employees in respect of a grievance is not encouraged and may well prejudice individual rights under the Procedure.
- 1.6 Employees who have a grievance have the right to be accompanied at grievance meetings by a work colleague or an accredited trade union official/teacher association representative. This same right is afforded to individuals against whom a grievance is raised.

Please note: this procedure also includes any temporary or relief staff who are employed on casual terms of engagement.

2 Informal Procedure

- 2.1 In the first instance if an employee has a grievance relating to his/her employment, he/she should initially raise the matter informally with his/her immediate line manager. This does not preclude the grievance being stated in writing.
- 2.2 In the event that the grievance relates to the immediate line manager, it should be referred to the Head Teacher.
- 2.3 In the event that the grievance relates to the head teacher, the grievance should be referred to the Chair of Governors
- 2.4 An attempt should be made to resolve the complaint at this stage.

The line manager/Head Teacher/Chair of Governors should enquire into the grievance and discuss it with the employee. A decision should be given to the employee within 7 calendar days from the grievance being raised.

- 2.5 If the employee is still dissatisfied with the reply, he/she may progress the grievance to a formal grievance.

3 Formal Procedure

3.1.1 The employee must set out the grievance in writing and send a copy to his/her line manager or in the event that the grievance relates to the immediate manager, to the Head Teacher/Chair of Governors.

3.1.2 Employees are encouraged to seek help if required in setting out their grievance in writing, either from a work colleague, or an accredited trade union official.

3.2 The Meeting

3.2.1 Once the line manager has received the written statement he or she must invite the employee to a meeting to discuss the grievance. He or she can allow a little time to look into the complaint, but should not delay the invitation to a meeting beyond 7 calendar days of receiving the written statement.

3.2.2 The employee (subject to the exemptions in Section 6) is bound by statute to wait 28 days before presenting any tribunal claim. This time period should be borne in mind when setting up the meeting.

3.2.3 The meeting must be held at a time and place that are reasonable for the employee and anyone accompanying the employee.

3.2.4 At the meeting the grievance will be discussed with the employee, the line manager and representative.

3.2.5 A full written explanation of the decision shall be issued within 7 calendar days of the meeting. Copies of the decision will be sent to all of the parties. The Head of Personnel will be provided with a copy.

Note: Line managers/Head Teachers/Chairs of Governors should send a copy of all responses to written grievances to the Head of Personnel.

3.3 The Appeal

3.3.1 If the grievance has still not been resolved the employee has the right of appeal.

- 3.3.2 The employee should address a letter of Appeal to the Chair of the Appeal Committee of the Governing Body within 7 calendar days of receiving the written decision at the original hearing.
- 3.3.3 The Chair of the Appeal Committee shall arrange a meeting of the Appeals Committee to hear the appeal as soon as practicable.
- 3.3.4 At this stage, the members of the Appeal Committee will meet with a representative of the Head of Personnel, the employee and if he/she so wishes an accredited trade union representative or work colleague.
- 3.3.5 The decision of the hearing shall be final and notified in writing to all parties within 7 calendar days of the meeting.
- 3.3.6 The matter will end at Governing Body level, except where it is agreed by all parties that the matter be referred to arbitration or conciliation involving either the National Joint Secretaries or ACAS.

4 Raising a grievance after an employee has left their job

Wherever possible a grievance should be dealt with before an employee leaves employment. A statutory ‘modified’ grievance procedure applies where an employee has already left employment and the standard procedure has not been commenced or completed before the employee left employment. Both parties to agree in writing that it should be used instead of the standard statutory procedure.

Statement of grievance

- The employee must set this out in writing and the basis for it.
- The employee must send the statement or a copy of it to the former line manager or in the event that the Grievance relating to the immediate line manager, it should be referred to the Head Teacher. If the grievance relates to the former Head Teacher then the statement should be sent to the Chair of Governors.

Response

- The former line manger must set out his/her response in writing and send the statement or a copy of it to the employee.
- The modified grievance procedure ends at employing Authority level

Note: Line managers/head teachers should send a copy of all responses to written grievances to the Head of Personnel.

5 Supplementary Notes

- 5.1 Whatever practice or agreement existed prior to the initiation of the Grievance Procedure shall continue to operate pending a settlement or until the agreed procedure has been exhausted.
 - 5.2 A separate 'Dignity at Work' Procedure exists for dealing with grievances covering issues of bullying and/or harassment.
 - 5.3 The parties may by mutual agreement, modify the time limits referred to in the Procedure.
 - 5.4 It is important, and in the interests of both parties to keep written records during the grievance process. Such records should be treated as confidential and kept in accordance with the Data Protection Act 1998.
 - 5.5 Advice is available from the Personnel Division at all times during the grievance procedure.
 - 5.6 Grievance Procedures are by their very nature personal and confidential. It is important that confidentiality is maintained at all times. During an investigation, no information will be disclosed to the media, or to third parties not directly involved. At the conclusion of a grievance matter, if required, only the Chief Executive or Head of Personnel shall be authorised to disclose information about the case, based on a prepared statement.
 - 5.7 It is recognised that there will always be a certain amount of stress and anxiety for both parties when dealing with grievance cases, and employees and managers are encouraged to seek support through our Counselling Services or Occupational Health Unit.
 - 5.8 Nothing contained within this Procedure shall prejudice the rights of any employee existing under any Statutory Legislation, or National, or Local Conditions of Service Agreements.
 - 5.9 Where the procedure refers to "Manager", "Head of Personnel", or "Director" it equally applies to officers acting in that capacity, or authorised so to act by their senior manager.
- 6. Exemptions and Deemed Compliance
 - 6.1 The Grievance Procedures do not apply where the employee raises a concern as a "protected disclosure" in compliance with the public interest disclosure provisions of the 1996 Act. The terms of the 'Whistleblowing Procedure' to apply.
 - 6.2 Line managers and employees will normally be expected to go through the grievance procedures unless they have reasonable grounds to believe that

by doing so they might be exposed to a significant threat, such as violent, abusive or intimidating behaviour, or they will be harassed.

- 6.3 The procedure does not need to be followed if circumstances beyond the control of either party prevent one or more steps being followed within a reasonable period. This will sometimes be the case where there is a long-term illness or a long period of absence.
- 6.4 An employee need not follow an individual grievance where an accredited trade union official or other authorised representative has raised the grievance on behalf of two or more named employees.
- 6.5 Employees sharing a grievance may choose one of their number to act as a representative.

7. ***Review***

- 7.1 This procedure, including time limits will be kept under review.
- 7.2 The Governing Body, in partnership with the County Council, reserves the right to amend these terms in the light of practice, following consultation with interested parties.