

# PORTFIELD SCHOOL & SATELLITE CENTRES



## POLICY DOCUMENT FOR GRIEVANCE PROCEDURE



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## **Review of Policy**

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

Signed: .....  
Headteacher

Signed: .....  
Chair of Governors

Date 21/11/23.....

## **GRIEVANCE PROCEDURE**

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### **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 employees.
- 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 Governing Body's policy to find a solution to individual issues as early as possible and with this in mind individual concerns should be dealt with and resolved with line management at any time before a formal grievance is raised.

- 1.5 Lobbying of Councillors 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. This same right is afforded to individuals against whom a grievance is raised.
- 1.7 Although the policy may set down time limits within which answers to grievances are to be given, it is important that grievances are dealt with as quickly as possible, and as close to the level of origin as possible to avoid further breakdown in working relationships and potential litigation.

## **2 Raising a Grievance Informally**

- 2.1 Any employee who has a grievance relating to his or her employment may raise the matter informally with his or her manager during the course of normal work. This is not part of the grievance procedure. Only if the matter is not resolved between them should the formal grievance procedure need to be used.
- 2.2 In the event that the grievance relates to the immediate manager, it should be referred to the next immediate manager. In the event that the grievance relates to the Head Teacher, it should be referred to the Chair of the Governing Body.
- 2.3 An attempt should be made to resolve the issue at this stage. The manager should enquire into the grievance and discuss it with the employee and advise the employee of a decision within a reasonable timeframe; for less complex issues and where practicable within 14 calendar days.

## **3 Formal Procedure**

### **3.1 Written Statement**

- 3.1.1 The employee must set out the nature of 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 next immediate manager. In the event that the grievance relates to the Head Teacher, it should be referred to the Chair of the Governing Body.
- 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 representative.

### **3.2 The Meeting**

- 3.2.1 Once the manager has received the written statement he or she must invite the employee to a meeting to discuss the grievance.

- 3.2.2 The manager should not delay *the invitation* to a meeting beyond 7 calendar days of receiving the written statement.
- 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 Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 3.2.5 A full written explanation should set out what action the employer intends to take to resolve the grievance within a reasonable timeframe; within 7 calendar days of the meeting where practicable.
- 3.2.6 Copies of the decision and reasoning will be sent *to all of the parties*. Line managers should send a copy of all responses to written grievances to the Head of HR.

### 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 **Collective Grievance**

- 4.1 An employee need not follow an individual grievance where an accredited trade union representative or other appropriate representative has raised the grievance on behalf of two or more named employees.
- 4.2 Employees sharing a grievance may choose up to two of their number to act as a representative.

## **5 Supplementary Notes**

- 5.1 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.
- 5.2 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.
- 5.3 A separate 'Dignity at Work' Procedure exists for dealing with grievances covering issues of bullying and/or harassment.
- 5.4 The parties may by mutual agreement, modify the time limits referred to in the Procedure.
- 5.5 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.
- 5.6 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 HR 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 EAP Services, First Assist, or Occupational Health. Managers are reminded of their duty of care under Health and Safety Legislation.<sup>1</sup>
- 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 "Head Teacher" "Manager", "Head of HR", 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**

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1.1 <sup>1</sup> Health and Safety at Work etc Act 1974 (Section 2)  
'(1) it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees'

- 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 1998 Public Interest Disclosure Act (PIDA). The terms of the **‘Whistleblowing Reporting Code’** will 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.

Policies to be read in conjunction with this Policy:

Dignity at Work

Whistleblowing Reporting Code

[http://pccintranet/content.asp?nav=275,277&parent\\_directory\\_id=101](http://pccintranet/content.asp?nav=275,277&parent_directory_id=101)

ACAS Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2174>