



**LONGWELL GREEN SCHOOL  
GRIEVANCE PROCEDURE**  
(BASED ON STH GLOS DOCUMENT B100 1 021 06)

**DATE OF IMPLEMENTATION: NOV 2009**  
**RESPONSIBILITY HT**  
**DATE OF REVIEW: NOV 2012, OR EARLIER IF CHANGES**  
**ANNOUNCED BY SOUTH GLOUCESTERSHIRE PERSONNEL SECTION**

## **1. INTRODUCTION**

- 1.1 This Model Procedure has been agreed by South Gloucestershire Council and the relevant Trade Unions/Professional Associations recognised by the Local Authority and has been adopted by the Governing Body of this School. The procedure applies to all school based staff.
- 1.2 This grievance procedure complies with the requirements of the School Staffing (England) Regulations 2002, the Employment Act 2002 and the Statutory Grievance Procedure.
- 1.3 A summary of the model procedure is shown in Appendix 1.
- 1.4 All employees have a right to a fair hearing with regard to a legitimate grievance they may have in their employment. It is anticipated that grievances will be raised informally and most resolved quickly. Where the grievance can not be resolved informally then the school's grievance procedure will apply.
- 1.5 Those responsible for dealing with employees' grievances are expected to treat them seriously and to attempt to resolve them as quickly as possible. There should be no attempt to block an employee's wish to raise the grievance at a higher level.
- 1.6 In certain cases it may be necessary for information or advice to be sought from others outside the school and this may delay the timescale for resolution.
- 1.7 At any stage of the procedure the Headteacher and/or governors may wish to refer to the Local Authority for guidance to bring about a resolution outside of a formal hearing. Such attempts are without prejudice to the position of both parties in the procedure.

## **2 SCOPE**

- 2.1 A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the school to resolve, e.g. it cannot be about matters determined by national legislation.

- 2.2 The Authority / School has the following range of procedures that should be considered (rather than the Grievance Procedure) where they are relevant to the employee's concerns or issues:
- Bullying and Harassment Procedure
  - Disciplinary Procedure
  - Capability Procedure
  
  - Sickness Absence Procedure
  - Flexible Working Procedure
  - Pay Policy
  - School Complaints Procedure (for non-employment related issues).
- 2.3 A grievance is not available in addition to or in substitution for the right of hearing and appeal established under other staffing procedures (e.g. disciplinary action or redundancy selection).
- 2.4 An employee may raise a grievance whilst they are subject to disciplinary procedures. Should a grievance be raised prior to the disciplinary hearing, then the grievance will normally be dealt with during the disciplinary hearing. If, however a grievance is raised after the disciplinary hearing, then it will normally be dealt with under the grievance procedure.
- 2.5 Should the employee leave the school during the application of the Grievance Procedure the ex-employee has the right to a written response to their grievance. They do not have a right of appeal.
- 2.6 Case law has indicated that there may be instances where an employee raises an issue (in writing) but does not identify or intend it as a grievance, however it may still be necessary for it to be dealt with it as a grievance. For example general complaints made via an e-mail or a resignation could be a grievance. In such cases it is important to clarify the issue with the employee and as appropriate deal with it under the Grievance Procedure.
- 2.7 In situations where grievances are shared by groups of staff the collective dispute procedure will apply.

### 3. **REPRESENTATION**

- 3.1 The employee may be represented at a grievance hearing by a work colleague or trade union representative. If the chosen representative is unavailable for the meeting, an alternative date should be set which is normally within 5 working days of the original meeting.
- 3.2 The person representing the employee is allowed to address the meeting to put the employee's case, to sum up that case and to respond on the employee's behalf to any view raised at the meeting. The person representing the employee has no right to answer questions on the employee's behalf or to prevent the Headteacher (or nominated senior manager) from explaining their case.

### 4 **INFORMAL CONSIDERATION**

- 4.1 Where the employee has a grievance which involves another member of staff, attempts should be made to try and resolve it with the person concerned.
- 4.2 If the matter cannot be resolved in this way the employee should then request an informal discussion with a senior manager or the Headteacher, as appropriate. The Headteacher (or nominated senior manager) should make every attempt to resolve the matter informally.
- 4.3 The employee may be accompanied by work colleague or trade union representative.
- 4.4 If the matter can not be resolved informally between all parties, then the employee bringing the grievance must be made aware of their right to take a formal grievance, in accordance with the employer's statutory obligations.

## **5 FORMAL PROCEDURE**

### **5.1 Stage 1**

- a) Where the matter cannot be resolved by informal discussion, the employee should be requested to set out his/her grievance in writing and the matter will be formally investigated by the Headteacher (or a nominated senior member of staff – where the employee is a teacher this should normally be the Deputy Headteacher or Assistant Headteacher). If appropriate there may be formal interviews with any staff affected in order to reach a decision. All parties must be given the opportunity to state his/her case either orally or in writing. By mutual agreement the Chair of Governors, professional association/trades union or Local Authority officers may be consulted.
- b) A decision should be given in writing by or on behalf of the Headteacher (or the nominated senior member of staff) as soon as possible after receipt of the written grievance. This should normally be within five working days, wherever practical to do so.

### **5.2 Stage 2**

- a) Where the outcome remains unacceptable to the employee, formal written notice of the grievance must be sent to the Headteacher and any other member(s) of staff directly concerned. This letter should:
  - give full details of the grievance, together with any supporting documentation;
  - give details of the steps already taken to resolve the issue; and
  - state the resolution that is being sought.
- b) Arrangements should be made for a hearing to take place before the appropriate panel of governors. The Headteacher and any other member(s) of staff involved in the grievance should be invited to make a written response.

- c) The employee has the right to be represented at the meeting by a work colleague or trade union representative.
- d) The hearing should take place as soon as possible after the written grievance and responses have been received. A minimum of five working day's written notice should be given to all parties concerned. Witnesses may also be requested to attend.
- e) All documentation to be considered should accompany the letter and should also be provided to the governors' panel. In exceptional circumstances other information not available at this time should be sent as soon as possible but in advance of the date of the hearing, the minimum period being two working days. For information submitted after the deadline, the Panel will make the decision to allow or disallow the information to be included during the hearing subject to consultation with the other parties present at the hearing,
- f) To ensure all parties have the opportunity to give their views and where possible for common ground to be sought it is recommended that the meeting should be conducted in accordance with the procedure in Appendix 2. Whatever approach is adopted the purpose is to seek to resolve the grievance wherever possible through consensus.
- g) The Governors' panel, in seeking to resolve the grievance, may adjourn the hearing or defer its decision if this is considered appropriate to promote conciliation or to obtain further information or guidance.
- h) The decision of the Governors' panel should normally be confirmed in writing within five working days of the hearing taking place.

### **5.3 Stage 3**

- a) Any party to the grievance may appeal in writing to the Chair of Governors normally within five working days of receiving written notification of the decision. The notice of appeal should set out the reasons, with a copy to the Headteacher and any other member(s) of staff concerned.
- b) The appeal hearing should be conducted by the Governing Body's nominated appeal panel. At least five working day's written notice of the arrangements for the appeal hearing should be given to all parties concerned along with a copy of all the documents already submitted with any further documentation for consideration.
- c) The appeal panel's decision should be confirmed in writing normally within five working days. This decision will be final.

## **6 A GRIEVANCE AGAINST THE HEADTEACHER**

- 6.1 If it cannot be resolved informally, any grievance against the Headteacher should be submitted in writing to the Chair of Governors, who would then hear the

grievance in the first instance. Stage 1 of the procedure should be followed with any reference to the Headteacher being replaced by the Chair of Governors.

- 6.2 If this meeting fails to resolve the grievance then the matter should be heard formally by a committee of governors, in accordance with Stages 2 and 3 of the Grievance Procedure.

## **7 WHERE THE HEADTEACHER HAS A GRIEVANCE**

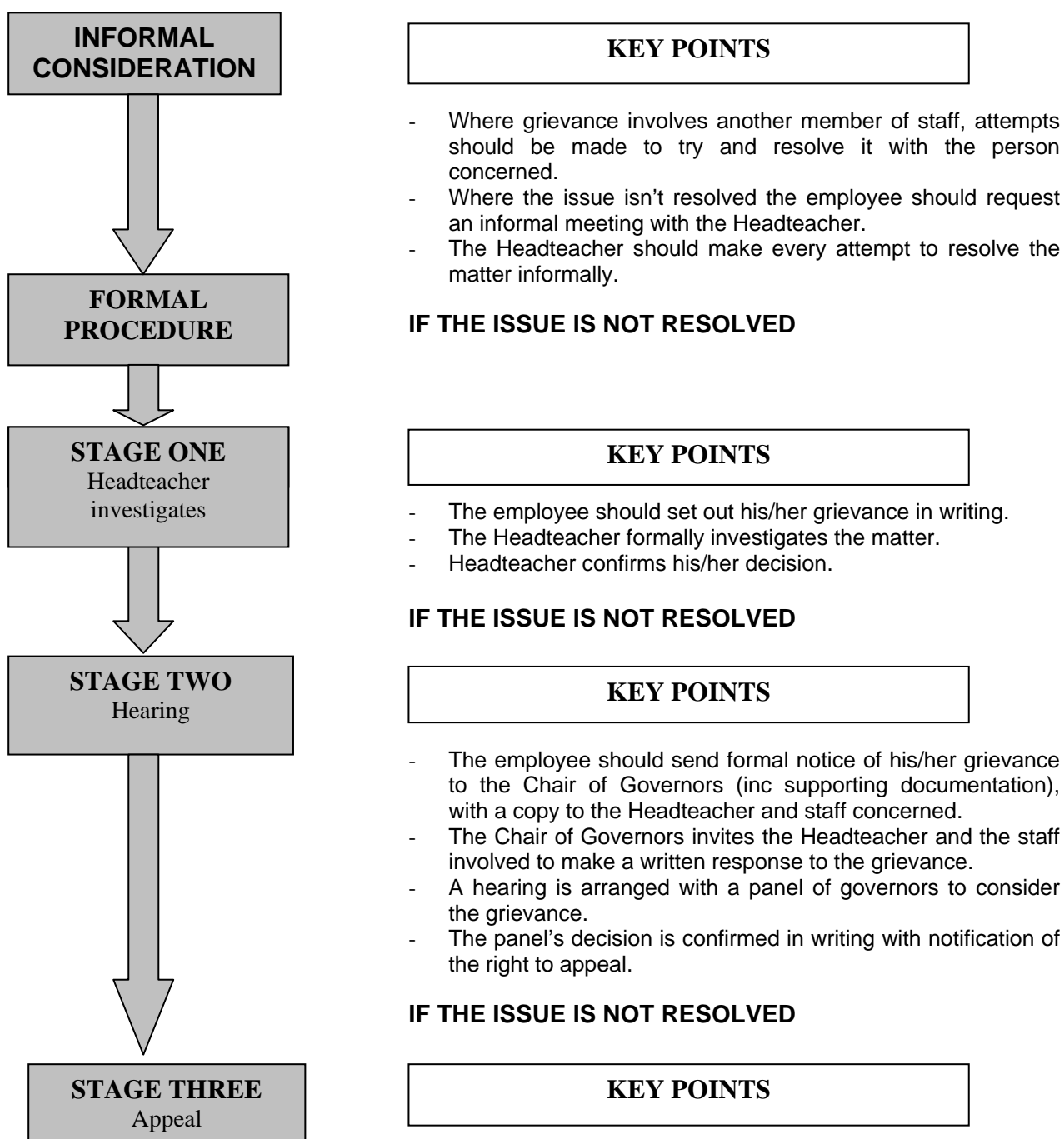
- 7.1 The Headteacher should try first to resolve the matter informally through discussions with the Chair of Governors or representative of the Local Authority.
- 7.2 If the grievance cannot be resolved informally Stages 1, 2 and 3 (if necessary) should be followed. Any reference to the Headteacher should be replaced by the Chair of Governors (if the nature of the grievance makes it appropriate).

## **8 GRIEVANCE AT THE DECISION/ACTION OF THE GOVERNING BODY**

- 8.1 Where a grievance of any employee arises from a decision or action of the Governing Body relating to an employment issue, the employee and his/her representative should seek to resolve the matter with the Headteacher and the Chair of Governors.
- 8.2 If this meeting fails to resolve the grievance then the matter should be heard formally by a committee of governors, in accordance with Stages 2 and 3 of the Grievance Procedure. Every endeavour will be made for the committee to consist of members who were not involved in the original decision making process.

**SUMMARY OF GRIEVANCE PROCEDURE**

The employee may be accompanied by a trade union representative or work colleague at all stages.



- Any party to the grievance may appeal in writing to the Chair of Governors.
- An appeal hearing is arranged with a panel of governors who have no prior involvement in the case.
- The panel confirm their decision in writing.
- This decision is final.

**RECOMMENDED PROCEDURE FOR A GRIEVANCE MEETING  
BEFORE GOVERNORS  
Stage 2**

*Please note: this is only a guideline for the format of a grievance meeting. It is not the same as a disciplinary hearing; it is a meeting where discussion and dialogue should aim to produce a resolution. It is not intended to create an adversarial setting, but rather to provide an opportunity for the panel to hear and understand the elements of the case.*

1. Introductions.
2. Individual presents their grievance and suggestions of how they would like to see it resolved.
3. Questions from the respondent against whom the grievance is lodged.
4. Questions from the Panel.
5. The respondent presents their case.
6. Questions from the individual with the grievance.
7. Questions from the Panel.

*Depending on the circumstances of the case and the nature of the prior intervention the Headteacher may be invited to present a summary of previous actions at this point.*

8. Individual with grievance sums up.
9. The respondent sums up.
10. All parties adjourn.
11. Panel deliberate. Governors may need further time to explore possibilities about the resolution of the grievance, or they may themselves wish to take advice on how to proceed. The individual should be informed when they might reasonably expect a response if one cannot be made at the time (bearing in mind timescales set out in the procedure).
12. Written response to both parties (if appropriate) normally within 5 working days.
13. Where the problem is still unresolved, the individual must be informed of their right of appeal to a panel of different governors.

## **A MODEL PROCEDURE FOR COLLECTIVE DISPUTES IN LOCALLY MANAGED SCHOOLS**

- 1.1 There may sometimes be circumstances in which actions or decisions by the Head and/or Governors result in concerns being raised by groups of staff or even the whole staff rather than being individual concerns that are dealt with under the grievance procedure above. In such circumstances the following steps shall apply.
- 1.2 The principle of seeking to resolve the dispute as swiftly and informally as possible should be adhered to and this may include relevant staff (or nominated representatives) meeting informally with the Head and/or Chair of Governors in order to discuss the points of concern and to propose solutions. At this stage or at any subsequent stage the LA's guidance may be sought. Where it is appropriate to do so, the decision(s) causing the dispute should not be implemented until the dispute has been fully considered and the outcome determined.
- 1.3 Where any informal discussion does not resolve the dispute, the professional association(s)/trade union(s) representing the staff concerned must notify the Chair of Governors in writing of the reasons for the dispute and the outcome that is sought. A formal meeting will then be arranged with the Chair of Governors and one or more other representatives of the governing body (e.g. Chair of Personnel Committee). This meeting will seek to resolve the dispute, although reference back to the full governing body may be required in certain circumstances.
- 1.4 Failure to resolve the dispute will necessitate the matter being considered by the full Governing Body. A special meeting of governors will be required to which the relevant professional association/trades union representative(s) will be invited and given the opportunity to present the case for consideration.
- 1.5 In the event that the dispute remains unresolved, it may be agreed by mutual consent to seek conciliation through the Advisory, Conciliation and Arbitration Service (ACAS). If the dispute is not resolved in this way then the matter may, by mutual agreement, be referred to arbitration. The decision shall be final and binding on all parties concerned.