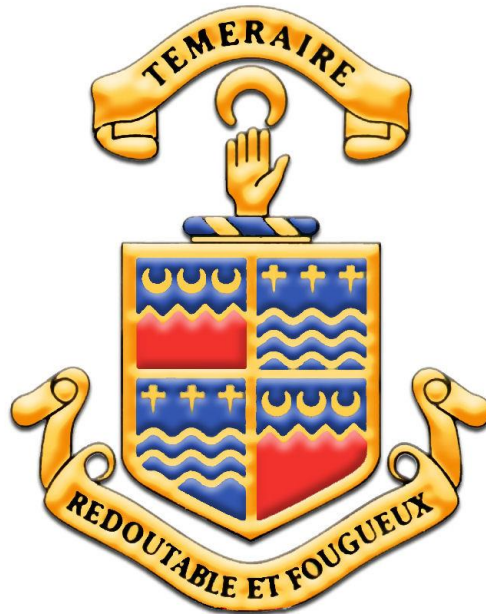


THE HARVEY GRAMMAR SCHOOL



Grievance Policy

Approved July 2018

Introduction

The School undertakes to promote positive working relationships and is committed to providing a working environment where Employees are treated with dignity, fairness and respect. The School recognises that occasionally an individual Employee or group of Employees may have a problem, concern or complaint regarding their working environment or working relationships. It is expected that the majority of day to day concerns can be resolved through regular communication between Managers and Employees. However on occasion this may not be possible and a more structured approach may be necessary using this procedure.

Where an Employee raises a grievance it is preferable for this to be resolved informally between the individual and the Headteacher/Line Manager, or the person against whom the complaint is made. Where a grievance cannot be resolved informally, it may be appropriate for the issue to be addressed formally, including allowing the right of appeal. The School encourages individuals to work towards a resolution and requires all parties to engage in this process.

Consideration will be given to the use of mediation as a means of achieving a lasting resolution of complaints. The School recognises the need to ensure grievances are addressed without undue delay. The School may undertake reasonable investigation to assist in the resolution of the grievance. Complaints that are found to amount to misconduct on the part of an Employee will be addressed under the School's Disciplinary Procedure.

An Employee who has raised a complaint in good faith will not be treated less favourably or suffer any detriment in their employment as a result of raising a complaint under this procedure. Due consideration will be given to the support required by both parties when addressing concerns. A grievance will be treated as confidential by all parties except to the extent that it requires investigation.

Purpose

This policy has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

The procedure explains:

- how Employees can raise issues with their Managers about their working environment/work relationships
- how the School will address those concerns in a fair and consistent manner
- what is expected from Managers and Employees with regards to the management of grievance issues

Definition

A grievance is defined as: 'concerns, problems or complaints that Employees raise with their Employers' (Acas Code of Practice Discipline and Grievance). This may include a problem or concern that an Employee or group of Employees has about their work, working conditions, or relationships with and actions of their manager or colleagues.

Scope

This policy applies to all current employees, including temporary workers and those employed on a casual basis. The grievance policy should be used for work related issues such as concerns relating to an Employee's own employment, working environment, working relationships and terms and conditions. It may also be used to raise concerns about the actions of another employee or manager acting on the School's behalf. This policy may also be used by a group of employees who wish to raise a grievance about their employment where the circumstances are the same.

Employees are advised that any grievances raised must lie within the authority and control of the School to resolve in its role as an Employer.

This procedure is not intended to be used in instances where other procedures apply, including:

- Dismissal or disciplinary matters
- Performance or capability matters
- Redundancy or restructure issues
- Pay decisions
- Complaints about harassment, bullying or whistleblowing

Responsibilities of the School

- To ensure Employees are given the opportunity to explain their concern and the outcome sought.
- To seek a means of resolving the grievance wherever possible whilst taking into account School policies, procedures and rules.
- Achieve the early resolution of grievances where possible or to allow Employees to take their concerns to a further level of management where appropriate
- To ensure consistency and fairness of treatment.

Responsibilities of the Employee

- To raise concerns at the earliest opportunity, to make every effort to raise/resolve matters informally at an early stage and to consider mediation as a means of resolving concerns.
- To engage with Managers in seeking to resolve any grievance that has been raised – by attending meetings and/or participating in any investigation and providing evidence to support the complaint.
- To act in a respectful and professional manner towards all parties.
- To maintain confidentiality
- To raise grievances only in relation to legitimate concerns and not of a malicious/vexatious nature.

Timescales

A grievance should not be raised if the event, act or issue (or last of a series of acts, events or issues) complained of occurred more than 3 calendar months prior to an Employee raising a complaint.

Should an employee wish to raise a complaint outside of this period they will need to demonstrate that:

- They have made reasonable attempts to resolve the matter informally outside of the grievance process
- They could not reasonably be expected to have known about the issue and have raised the complaint within 3 months of first becoming aware of it.

Grievances will be addressed promptly and without undue delay in achieving an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case:

Stage	Action	Timescale
Informal Stage	Informal Grievance raised	Meeting held and outcome reached as soon as is practicable
	Formal Grievance raised	Within 5 working days following the outcome of the Informal stage
Formal Stage	Grievance Meeting	Within 10 working days of receipt of formal complaint
	Grievance Outcome Meeting	As soon as practicable. Where meeting is adjourned within 10 working days of the conclusion of any investigation or other action
	Written Outcome	Within 5 working days of the Grievance Outcome Meeting

Appeal	Appeal	Appeal to be made within 5 working days of the receipt of the written outcome
	Appeal Meeting	Within 10 working days of receipt of written appeal
	Written Appeal outcome	Within 5 working days of the appeal meeting

For the purpose of this procedure working days will normally refer to the 195 days of the school year for **teachers** employed under the terms of the School Teachers’ Pay and Conditions Document.

For **support staff** employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the school term will mean all days excluding weekends and bank holiday days. With agreement meetings may take place at other times outside of an Employee’s normal working days. Should an investigation be necessary, anticipated timescales for completing this will be communicated. Where additional time is required all parties will be advised.

All parties must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested by the Grievance Officer or Investigating Officer promptly. If an Employee exceeds the time limits stated without good reason the grievance will be considered as being out of time and no further action will be taken.

Authority to Act

The table below indicates the appropriate person for an Employee to address a grievance to depending on the nature of the complaint.

Nature of Grievance	Informal	Formal	Appeal
Employee against colleague	Colleague who the complaint is about or Line Manager / Headteacher	Line Manager / Headteacher	Headteacher / Governor or Governor Panel
Employee against line manager	Line Manager or Headteacher	Headteacher	Governor or Governor Panel
Employee against Headteacher	Headteacher or Chair of Governors	Chair of Governors	Vice Chair or Governor Panel
Employee about his / her own employment	Headteacher / Line Manager	Headteacher / Line Manager	Headteacher / Governor or Governor Panel

In this procedure the manager considering the complaint is referred to as the ‘Grievance Officer’.

Complaints raised by the Headteacher

Where the Headteacher has a grievance, the matter should be raised formally with the Chair of Governors, or in instances where the complaint is against the Chair of Governors, the matter should be raised with the Vice Chair.

Informal Grievances

Every effort should be made to informally resolve grievances, either verbally or in writing if preferred, before resorting to the formal stages of this procedure. Grievances relating to an Employee’s own employment should initially be raised with the Employee’s Line Manager. Grievances relating to colleagues or Line Manager should wherever possible be raised informally with the individual who the complaint is about in the first instance. If the Employee feels uncomfortable doing this they should raise the issue with their Line Manager who may be able to facilitate a discussion between all parties regarding the concerns.

In instances where the complaint is against an Employee’s Line Manager – complaints should be raised with the next level manager - who may be able to facilitate a discussion between all parties regarding the concerns.

In exceptional circumstances and where it's not deemed appropriate for a complaint to be addressed informally an Employee may raise a formal grievance without first seeking to resolve the matter informally. In addition to outlining the details of the concerns the Employee should also clearly explain what action or outcome they are seeking. The normal expectation is that the Employee and person who the complaint is against and/or Grievance Officer would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues and the outcome sought by the Employee with the aim of achieving a resolution or way forward informally that is mutually acceptable.

Where the complaint is against an individual, it would be the normal expectation that all parties should reasonably agree to a joint meeting as a means to seek a resolution to the complaint at this early stage.

Resolutions at an informal stage may include:

- Providing an apology where appropriate
- Agreeing how future communication will take place
- Agreeing future conduct which is acceptable to all parties
- Agreeing alternative work patterns/practices for either or both parties – subject to operational and business requirements
- Exploring counselling or workplace mediation
- Agreeing further training, coaching or mentoring

It should be noted that any resolution should take into account School policies, procedures and rules. Depending on the circumstances more than one discussion may be required to achieve a resolution. At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these. At the conclusion of the informal process a written record may be made detailing the date of the meeting(s), concerns discussed and actions/outcomes agreed. A copy should be shared with all parties.

Formal Grievances

If it is not possible to resolve a grievance informally, an Employee may raise the matter formally in writing (within 5 working days of the conclusion of the informal process) stating the basis for the grievance and the resolution sought. The Grievance Notification Form, attached at Appendix A, may be used for this purpose. The Grievance should be raised with the Employee's Line Manager (or with the next level of management if the grievance issues involve the Line Manager). In instances where the grievance is against the Headteacher – any formal grievance should be raised with the Chair of Governors.

It should be noted that at the formal stage the Grievance Officer may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

The written notification should set out the concerns objectively, including details of the nature of the complaint as follows:

- the name of the Employee(s) who they are raising a grievance against, if appropriate
- the action or proposed action which has given rise to the grievance, together with specific examples if possible;
- dates and times when incidents occurred, and where they occurred;
- the names of any Employees/other persons who are witnesses to the grievance
- any informal action that the Employee has already taken to try to deal with the grievance

In all cases the Employee should also clearly state what outcome/proposed action they are seeking by raising the grievance. The Employee should also submit any supporting documentation that is relevant to their complaint as soon as is practical in advance of the formal grievance meeting.

It should be noted that without the grievance being received in writing the Grievance Officer will be unable to progress the complaint. Where it is unclear whether the Employee wishes a written complaint to be addressed under the formal grievance procedure the Grievance Officer will seek to clarify this without unreasonable delay. The Grievance Officer will provide the Employee with written confirmation of receipt of the complaint and confirmation of who will progress the concern.

Formal Grievance Meeting

The Grievance Officer will arrange a confidential meeting with the Employee within 10 working days of receipt of the formal grievance.

The purpose of this meeting is to:

- Provide an Employee with the opportunity to explain their grievance in full and consider/clarify the details of the complaint
- Gather any evidence that the Employee wishes to submit in support of their complaint
- Identify any witnesses to the grievance
- Explore and consider the outcome that the Employee is seeking
- Determine the outcome of the complaint/reach a resolution at the initial meeting if appropriate
- Determine what further action might be necessary before an outcome can be determined
- Explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation

It should be noted that no new complaints can be added after this meeting unless agreement is given by the Grievance Officer.

If appropriate, the meeting may be adjourned by the Grievance Officer to:

- Consider the information presented, allow for deliberations and make their decision
- Undertake a simple fact finding exercise themselves - this may include speaking to witnesses and reviewing necessary documents
- Commission a formal investigation and appoint an Investigating Officer
- Identify other resolutions as outlined at the informal stage
- Arrange a joint meeting between the parties
- Allow time for mediation between parties
- Consider whether any other further action might be appropriate

It may be that a combination of these actions are appropriate in certain circumstances. Where it is not possible to provide an outcome to the grievance during an initial meeting, the Grievance Officer will confirm in writing the action that is proposed to progress the complaint and the anticipated timescale for completion.

Formal Investigation

Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding the grievance. In some instances it may be necessary for the Grievance Officer to commission a formal investigation - however it should be noted that a formal investigation will not take place as a matter of course and without careful consideration of other means to resolve the complaint. In many instances an informal fact finding exercise will be sufficient.

Should a formal investigation be undertaken, a formal interview will take place with the Employee who has raised the grievance to explore the details of their concerns.

Should the complaint relate to an Employee - the Employee against whom the complaint has been made will be notified in writing of the nature of the concerns. The Employee will be invited to attend a formal interview and given full and fair opportunity to respond to the concerns, explain his/her conduct and any mitigating circumstances. The Employee should be advised that should the complaint be upheld, formal disciplinary action may be taken against them.

Where the complaint relates to an Employee's own employment, working environment or terms and conditions the Investigating Officer will interview the responsible manager as part of the investigation. The Investigating Officer may also conduct a formal interview with other Employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that information provided may be used as evidence and/or they may be called to present this at a subsequent hearing.

A written report will be produced of the investigation findings. Should an investigation identify issues of Employee misconduct this will be addressed under the School's Disciplinary Procedure. The investigation findings will inform the Grievance Officer's response to the grievance. It may not be appropriate or useful in resolving the grievance to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the Grievance Officer considering the complaint deems appropriate.

Should the matter subsequently be considered under the School's formal disciplinary procedure the investigation report may be shared as evidence for this process.

Communicating the Outcome of the Formal Grievance

Having considered the matters raised, the Grievance Officer may be able to determine the outcome of the grievance or agree actions to address the complaint raised and resolve the grievance during the course of the meeting. Where this is not possible the formal grievance meeting will be reconvened at the earliest opportunity following the completion of any investigation or agreed actions.

The purpose of this meeting is to:

- Communicate the outcome of the grievance and the reasons for this decision to the Employee, with reference to the findings of any investigation
- Communicate any recommendations or actions to the Employee
- Advise the Employee that they may appeal against this decision

The outcome meeting will be arranged without undue delay and where possible within 10 working days of the conclusion of any investigation or other follow up action where this is necessary.

The Grievance Officer may determine the following outcomes:

- The Grievance is upheld in full, or
- The Grievance is upheld in part, or
- The Grievance is rejected

In addition to the above, the Grievance Officer may recommend that further action such as mediation or training be considered to resolve the situation. It should be noted that any resolution should take into account School policies, procedures and rules.

The Employee will be notified of the outcome verbally following any deliberation or further investigation as is necessary. In all instances the Employee will be notified of the outcome in writing, usually within 5 working days of the date of the meeting or the decision being reached. This notification will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Grievance Officer considered in coming to their decision including the findings of any investigation
- Any recommendations or agreed actions for the parties to take
- Advising the Employee that they may appeal

It should be noted that where a complaint was against another Employee and the grievance is upheld the Employee who raised the grievance does not have the right to know what future formal/informal disciplinary or management actions may be taken against the individual. Appropriate information will be made available about the investigation and grievance outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

Grievance Appeals

Where an Employee feels that their Grievance has not been satisfactorily resolved by the Grievance Officer they may appeal against the outcome. Appeals should be heard by a more senior manager to the manager who initially considered the formal grievance. In instances where there is not a higher level of management within the School's structure – appeals may be heard by either an individual governor or a panel of no more than 3 members of the Governing Body.

Appeals should be made in writing to the Grievance Officer, within 5 working days of receipt of the written outcome of Formal Grievance. The letter of appeal should clearly state the specific grounds on which the Employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written grievance form/letter and any supporting documentation should also be submitted. An appeal meeting will be arranged without undue delay and where possible within 10 working days of receipt of the written appeal.

The appeal meeting will be heard by an Appeal Officer. This should be a more senior manager to the manager who initially considered the formal grievance. In instances where there is not a higher level of management within the School's structure – appeals may be heard by either an individual governor or a panel of no more than 3 members of the Governing Body. Those considering the appeal will not have had involvement in the grievance at the earlier stages. Any information which the Employee wishes to submit as part of their appeal should be received no later than 3 working days prior to the hearing.

At an appeal meeting the Appeal officer or Panel will review:

- The original grievance outcome decision
- The Employee's reasons for raising an appeal
- Any further representations made or information presented by the Employee

The Grievance Officer who considered the complaint at the earlier stage may be called as a witness to the appeal meeting. Based on the information presented, the Appeal Officer or Panel may determine the following outcomes:

- The original grievance decisions is upheld in full, or
- The original grievance decision is upheld in part, or
- The original grievance decision is overturned

In addition to the above, the Appeal Officer or Panel may recommend that further action such as mediation or training be considered to resolve the situation.

Where possible the employee will be advised verbally of the outcome at the conclusion of the meeting or following any deliberations that may be necessary. In all instances the Employee will be notified of the outcome

in writing, usually within 5 working days of the date of the meeting or the decision being reached. This will include:

- The outcome and the reasons for the decision
- A summary of the facts that the Appeal Officer or Panel considered in coming to their decision
- Any recommendations or agreed actions for the parties to take

Where the grievance complaint is against another employee they will be notified of the appeal outcome. This may be in writing or at a meeting. Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties. The outcome of the appeal is final and there is no further right of appeal.

Involvement of other parties/witnesses

In certain instances it may be appropriate to allow other parties/witnesses to attend a formal grievance or appeal meeting where their contribution may assist in understanding the issues being raised. However in most cases this will not be necessary as information will be gathered during any fact finding or investigation process. Should an Employee wish to request that another party attends the grievance or appeal meeting – they should advise the Grievance Officer who will consider each request on case by case basis.

Non Attendance at Formal Grievance and Appeal Meetings

Employees are expected to attend and participate in all meetings. Where an Employee or their representative is unavailable to attend, they should inform the Grievance Officer/Appeal Officer at the earliest opportunity. If an Employee's representative is unavailable the formal grievance meeting/appeal may be deferred by up to 5 working days from the date of the original hearing. The Grievance Officer/Appeal Officer will give due consideration to other requests for postponement, taking into account the individual circumstances and the reason for non-attendance.

Should an Employee or representative fail to attend a rescheduled meeting or fail to make written representations, the Grievance/Appeal Office may decide that the meeting may proceed in their absence and a decision made based on the available information. Other than in exceptional circumstances only one postponement will be granted. Thereafter the meeting will proceed whether or not all parties attend.

Action pending the outcome of a grievance

Exceptionally, if circumstances warrant, the School may take action to alleviate the circumstances which have given rise to the complaint pending the outcome of the formal grievance process. Any change would be temporary pending the outcome of the grievance process and may include alteration to working arrangements or line management responsibilities subject to consideration of the operational needs of the School. Where all other options have been explored, on occasion it may be necessary to suspend with full pay the Employee who the allegation has been made against. When dealing with groups of employees, representatives of the group, or where desired a trade union representative, may be asked to make representations on behalf of the group.

Right to Representation

Employees who raise or are the subject of a complaint have the right to be accompanied by a workplace colleague or trade union representative at any formal meetings held as part of this procedure. Should the Employee feel the presence of a trade union representative or workplace colleague may be beneficial during the informal stage of the process – they should discuss this with the Grievance Officer. There is no statutory right to representation during the informal stage however the presence of an Employee's representative will not be unreasonably refused. It should be noted that the presence of a representative does not make the meeting formal.

Support and Conduct during the Process

The School acknowledges that they have a duty of care towards all Employees and consideration will be given to any support or reasonable adjustments required by either party during the process. Due respect will be given to the rights of both parties during the process and the School will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their accounts with a view to reaching a resolution.

Where both parties to the grievance are present at any meeting - the Grievance Officer should endeavour to facilitate respectful dialogue between the parties to assist in identifying a mutually agreeable outcome. Staff will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against a member of staff may be addressed as a misconduct issue.

Support Following the Conclusion of the Process

The School expects all parties to work together in a professional and constructive manner following the conclusion of the process. However it is recognised that ongoing support may be required to re-build damaged working relationships. Consideration should be given to any measures that may assist with rebuilding working relationships and prevent a recurrence of the situation that gave rise to the original complaint. This may include mediation.

It is expected that all parties should reasonably agree to a joint informal meeting to discuss future ways of working. Reasonable monitoring will take place to ensure actions or recommendations arising from the grievance are successfully implemented.

The Role of Mediation

Mediation can often help resolve grievances and is actively encouraged by the School. Mediation is a voluntary process facilitated by an impartial third party which aims to assist parties reaching in resolution and agreement to a workplace dispute or conflict. Mediation may be instigated at any stage in the procedure but is encouraged at an early stage as means to improve professional relationships and communication between parties. During mediation any grievance process would usually be suspended. If at any point any party wishes to withdraw from mediation they may do so and this procedure may be resumed at the appropriate stage.

Concurrent Management Action

Employees should be advised that reasonable management action to address concerns relating to employment matters should not automatically be perceived in itself as a reason to raise a grievance. In the event that an Employee raises a grievance in the course of a disciplinary or capability process, both processes may continue concurrently. However, each case will be considered on its merits to ensure that the School is acting reasonably.

Absence during the process

In instances where the absence of either party arises following a complaint the School will seek early advice from an Occupational Health Advisor on how to support the Employee in the management of the absence. In cases of absence from work of one of the parties, consideration will be given as to how best to progress the complaint. The Grievance Officer may, at their discretion, decide to proceed with the process in an Employee's absence but in these circumstances alternative arrangements will be discussed with the employee including providing a written statement or for a Trade Union representative or workplace colleague to attend meetings on their behalf.

Collective Grievances

This procedure may also be used by groups of employees who have a collective grievance (or on their behalf by their recognised trades union) and, if the situation arises, the words 'group of employees' should be substituted for 'employee' throughout this procedure.

Anonymous Allegations

Employees are encouraged to put their name to any grievance complaint. Where an Employee is concerned about being identified the School may explore appropriate measures to reassure and safeguard the Employee during the process. The School cannot guarantee that anonymous allegations will be considered or formally investigated. This is in accordance with the principles of natural justice where an individual has a right to know who has made a complaint in order to be able to respond fully.

Malicious / Vexatious Allegations

Where a complaint is unsubstantiated and found to be of a vexatious or malicious intent, this may be examined in accordance with the School's Disciplinary procedures.

Record Keeping

Accurate and contemporaneous records will be kept throughout the process, including any initial informal process. Records will be kept detailing the nature of the grievance raised, the response, actions taken, reasons behind any action taken; whether the outcome was subject to appeal, and if so, any further outcome.

At the formal and appeal stage of the grievance process, and should an investigation be undertaken, minutes will be taken. Minutes should be shared with the Employee and their representative as soon as practicable possible. A copy of any outcome letters should be retained on the Employee's School personnel file. All records will be treated as confidential and processed in accordance with Data Protection legislation, which provides individuals with the right to request and have access to certain data.

Confidentiality

A grievance must be treated by all parties involved in the process as a confidential matter. Discussion with other parties is not acceptable. Confidentiality will ensure that the matter can be dealt with as close to the source as possible and will assist in ensuring that if any action is taken or recommendations made there is a stronger likelihood of a successful outcome. Failure to respect the confidentiality of the process may be regarded as a disciplinary matter. The School will respect the confidentiality of all information relating to an Employee's grievance.

Grievance Notification Form

Employee name:	Employee Job title:
School:	Date Grievance Raised:
Trade Union Representative / Workplace Colleague	Name: Email: Contact Telephone No:
If your complaint is against an individual - please provide their name and job title	Name : Job Title:

Summary of complaint: Set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets or supporting documents if required.
Individuals involved in the alleged incident/complaint: Provide here the names and contact details of any people involved in your complaint, including witnesses.
Informal action to resolve the issue: Please provide details of any action that you have already taken to resolve your grievance/complaint and why this did not work.
Outcome requested: Please set out what outcome you are seeking from your complaint, and why and how you believe that this will resolve the issue.

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Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the School. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

Signature:	
Name:	Date:

For completion by the Grievance Officer:

Date form received:	
Date of grievance meeting:	
Date investigation commissioned:	
Date of grievance outcome meeting:	
Date employee notified of written outcome:	
Date appeal received:	
Date appeal heard:	
Date employee advised of the written appeal outcome:	