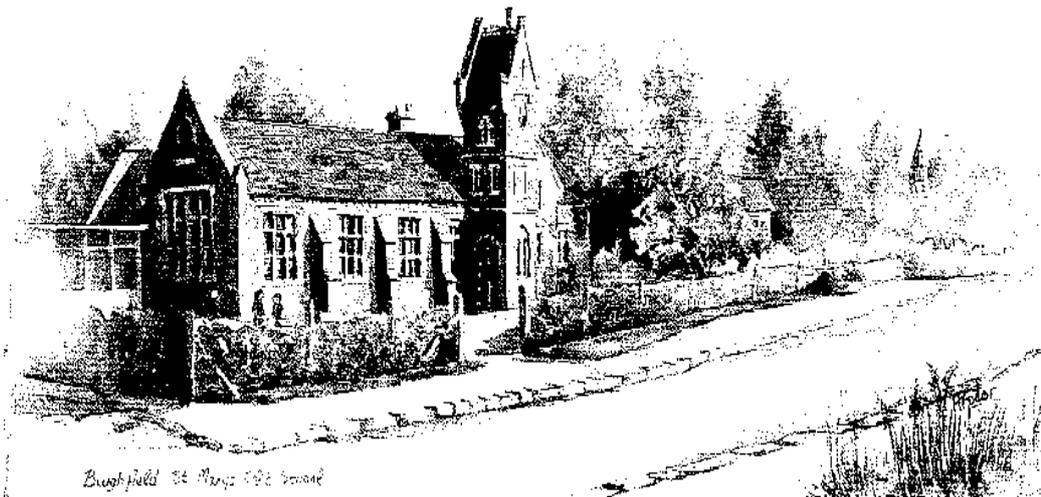


STATUTORY

Burghfield St Mary's C of E Primary School



Grievance Procedure

'a caring Christian learning environment that inspires'

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**Grievance Procedure for
Community, Voluntary Controlled, Community Special and Maintained Schools**

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Grievance Procedure

1.0 Policy Statement

- 1.1 West Berkshire Council is regarded as the employer for Community, Voluntary Controlled, Community Special and Maintained schools. However, the Governing Body has a statutory obligation to establish procedures relating to the conduct of staff (School Staffing (England) Regulations 2009); including dealing with grievance matters, and is responsible for ensuring that all staff are made aware of the procedures. The Headteacher is responsible for the internal organisation, management and control of the school. In grievance cases, the decision of the Governing Body or its grievance panel is final.
- 1.2 West Berkshire Council strongly recommends that Community, Voluntary Controlled, Community Special and Maintained nursery schools adopt this model policy. Foundation and Voluntary Aided schools may also wish to adopt it.

2.0 Purpose

- 2.1 The Council and the governing body accept the principle that if individuals have a grievance relating to their employment, they have a right to express it. This includes allegations of acts or statements of discrimination by managers or employees which contravene legislation and school policy on matters of equality.

This procedure provides a process whereby:

- grievances may be resolved as close as possible to where they arise;
- issues can be brought “out in the open” so that they can be considered by management;
- confidence and trust between the employee and employer can be maintained.

3.0 Scope

- 3.1 This procedure applies to all employees at a West Berkshire School with financial delegation.
- 3.2 If the aggrieved person is the Headteacher of the school, it would be appropriate to proceed directly to Stage 2 of the Procedure but referral will be to the Chair of Governors.
- 3.3 If the grievance is directly related to the Headteacher of the school and it is not possible to resolve the grievance by discussion with the Headteacher it would be appropriate to proceed directly to Stage 2 of the Procedure but referral will be to the Chair of Governors.
- 3.4 Where employees have ceased to be employed by a school please see section 8.0.

4.0 Equal Opportunities

- 4.1 The Grievance Procedure will be applied fairly and consistently to all staff employed at the school regardless of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, sexual orientation, age, religion, trade union membership/non membership, status or number of hours worked.

5.0 Matters relating to Disciplinary, Capability and Redundancy (Exclusions)

- 5.1 This procedure does not apply to grievances related directly to matters being dealt with under Disciplinary or Capability Procedures. Separate procedures exist for these matters and these procedures have separate appeals processes.
- 5.2 This procedure does not apply to a grievance related to redundancy except where the grievance is related to grounds other than the redundancy selection criteria (see separate Redundancy Procedure).
- 5.3 If an employee raised concerns during another formal procedure (e.g. absence, capability, discipline) these will normally be addressed within the hearing or appeal process detailed within the relevant procedure. Where the concerns are not related to the other formal procedure, that procedure may, in exceptional circumstances, be temporarily suspended to deal with the grievance.

6.0 Principles

6.1 The following principles apply:

- All grievances will be examined carefully, whether presented verbally or in writing and will be dealt with as promptly as possible. Some grievances will be of a sensitive nature, and confidentiality should be preserved at all times by the parties involved.
 - Grievances can be best resolved by raising the issue informally and directly with the member of staff concerned. The formal procedure should be used only where the informal approach is inappropriate or has been unsuccessful.
- A grievance may be raised by an employee personally, or on behalf of the employee by a relevant trade union official or work colleague.
- The employee raising the grievance may, at all stages of the procedure, be accompanied and/or represented by a Trade Union Representative or work colleague.
- Where there is a third party involvement in terms of providing information relevant to the grievance, or there are other delays, the responsible manager must keep all parties informed in writing.
- A grievance may not be progressed beyond Stage 1 without the exact nature of that grievance having been made clear to the supervisor/line manager (Stage 1) or Headteacher (Stage 2) by the aggrieved party or the representative.
- If new complaints are registered at a later stage of the procedure, or there is a variation or extension of the grievance raised at a later stage, they will be dealt with by referring those matters back to Stage 1.
- Time limits may reasonably be altered by mutual agreement, but if at any stage in the Procedure a grievance has not been progressed within a period of 10 working days, the employee is entitled to proceed with his/her grievance to the next stage of the procedure.
- The manager dealing with a grievance at a subsequent stage will not, normally, have been involved in preceding stages.
- If, at any stage of the Procedure, the person considering the grievance feels that there is no justified grievance, he/she must inform the employee in writing, providing the reasons.
- If a grievance cannot be conceded because of school or Council Policy or agreed practices, the employee must be advised. However, if it is the view of the person considering the grievance that school policy or practice should be reviewed, he/she will raise the matter with the appropriate person/governing body.
- Where grievances about the behaviour or actions of other employees are found to be justified, the Disciplinary Procedure may be invoked as appropriate.
- Where an employee needs additional support because of a disability or communication/language difficulties, then all reasonable steps will be taken to provide appropriate support.

- It is important to note that an employee who raises a grievance has a responsibility with the line manager (or other relevant manager) for resolving the issue(s) in the most effective way, including cooperation with all stages of the procedure, availability for meetings in line with the procedural guidelines and clear communication in relation to the issues and outcomes that they are seeking.

7.0 Dealing with Grievances – Current Employees

7.1 Informal Stage

Attempts should first be made to raise and resolve the issue(s) informally directly with the member of staff concerned. If this proves unsatisfactory, the employee should raise the issue informally with their line manager. This can be submitted verbally, via e-mail or in writing. The employee should make it clear in any correspondence that the grievance is being raised at an informal level. Line managers are expected to deal with all informal grievances raised, taking into consideration the exclusion listed within section 5.0 of this procedure. Employees are encouraged wherever possible to discuss issues with their line manager at the earliest possibility. Most grievances can be dealt with and resolved informally through discussion and cooperation.

7.2 Formal Stage 1: Referral to Supervisor/Line Manager

7.2.1 Where the informal action has failed to resolve the issue or it was inappropriate or the matter is more serious, an employee who wishes to raise an individual grievance with a view to achieving satisfactory resolution of the problem should prepare a written statement of the grievance (see Appendix A). The written statement of grievance should include the nature and full extent of the grievance, and any action that has been taken to resolve the grievance.

7.2.2 The employee should see the immediate supervisor/line manager as the person who, in most cases, is best to respond to the grievance. The employee raising the grievance should make it clear that the matter is being raised as a formal grievance under this procedure.

7.2.3 The person receiving the written statement of grievance will place it on record, acknowledge its receipt in writing and inform the employee how the grievance is to be considered.

7.2.4 If the grievance relates to a matter outside the immediate control of the immediate supervisor/line manager, the grievance should be progressed to Stage 2 of the procedure.

7.2.5 If the grievance relates to a matter within the immediate control of the immediate supervisor/line manager, the manager will:

1. Arrange a meeting to discuss the grievance with the aggrieved person (the employee has the right to be accompanied at the meeting as referred to in section 6.0 'Principles')
2. Give the employee a written reply as soon as possible, and in any event within 10 working days
3. Notify the employee of a right to appeal to Stage 2 of the procedure (in the written reply in 2 above).

7.3 Formal Stage 2: Referral to Headteacher

7.3.1 If the grievance is directly related to the employee's immediate supervisor/line manager and it is not possible to resolve the grievance by discussion with the supervisor, it will be appropriate to register the grievance at Stage 2.

7.3.2 If an employee is dissatisfied with the outcome of Stage 1 and it appears that further discussions with the supervisor/line manager would not be likely to resolve the matter, the employee may request the grievance to be considered under Stage 2 of this procedure within 10 working days of receipt of a written response to Stage 1.

7.3.3 At this stage, the grievance should be registered in writing with the Headteacher who, if appropriate in conjunction with the Local Authority Corporate Director for Children & Young People and/or an appointed representative, will attempt to resolve the grievance. If the employee is dissatisfied with the outcome of Stage 2 and it appears that further discussions with the supervisor would not be likely to resolve the matter, the employee may invoke Stage 3 of this procedure within 10 working days of receipt of a written response to Stage 2.

7.4 Formal Stage 3: Referral to Governing Body

7.4.1 Where the employee believes a satisfactory resolution to the grievance has not been reached at Stage 2 of the procedure the employee may write to the clerk to the governors within 10 working days of receiving the written outcome of Stage 2 of the procedure. The employee should confirm in writing that the grievance remains unresolved either in full or in part, and setting out the way in which, in the employee's view, the grievance could be resolved in a reasonable manner.

7.4.2 A meeting of the Governing Body or its grievance panel will be arranged within 10 working days of receiving the employee's letter to discuss the grievance with the relevant parties. The employee will be able to present their grievance and management will have the opportunity to respond. No new material may be introduced by either side at this stage. However, the Governing Body or grievance panel may suggest a different approach or have regard to other material facts not raised by the parties in an effort to resolve the problem. The decision of the Governing Body or grievance panel will be notified to the employee within 10 working days of the meeting.

7.4.3 The decision of the Governing Body or its grievance panel will be final on all matters.

8.0 Dealing with Grievances - Employees no longer employed by the school

8.1 This process will apply in circumstances where an individual's employment has ended and the school and employee have mutually agreed that the modified procedure should be applied. The modified procedure would normally be applied where:

- The school was not aware of the grievance before the individual's employment ended
- The formal grievance process had not commenced prior to the individual's employment terminating

8.2 Step 1

The aggrieved individual should write to the clerk to the governors setting out the nature of the grievance and the way in which, in the employee's view, the grievance could be resolved in a reasonable manner no later than 3 weeks after their employment has ended.

Appendix 1 is a suggested format of a statement of grievance which can be followed.

8.3 Step 2

At the discretion of the Headteacher or Governing Body, the grievance may be investigated and the Governing Body will provide a written response to the individual within 10 working days of receipt of the grievance and that decision will be final. In exceptional circumstances, if all parties agree, a grievance hearing could be convened.

FORMAT OF A STATEMENT OF GRIEVANCE

You may ask a Trade Union Representative or work colleague to help you to complete this Statement of Grievance. You may also have your trade union representative or work colleague with you during any meetings and/or discussions related to your grievance (not applicable under the modified procedure).

To: *(The manager responsible for the appropriate stage of the grievance procedure)*

Registration of grievance

I wish to register a grievance under Stage (appropriate stage) of the School's Grievance Procedure.

Nature of my Grievance:

Cause of my Grievance:

This should set out clearly the nature and extent of the grievance and the effect it is having on you and/or your work.

Please note: you cannot vary or extend on the grievance(s) contained in this statement at a later stage in the procedure - any variation or extension would have to be a separate grievance.

Duration of my Grievance:

The incident(s) occurred (or the problem started) on or around (give here the date(s), or approximate date(s), on which the incident(s) occurred or the series of events started).

Action taken to resolve my Grievance:

I have taken the following informal steps to resolve the problem or grievance before invoking the formal grievance procedure:

Resolution

I believe that my grievance could be resolved in the following way:

Ratified by FGB 23.5.2022
Next Review Date May 2023