



HIGH WELL SCHOOL  
Preparing for Positive Futures

# Grievance Policy and Procedure

<b>Policy Lead:</b>	HR Manager
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<b>Signed by Chair of Governors:</b>	<i>Margaret Turner</i>
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### 1. Introduction

- 1.1 The procedure has been established in accordance with Schedule 16 of the School Standards and Framework Act 1998 and reflects the school governors' responsibilities for dealing with certain grievances.
- 1.2 This procedure is applicable to all staff who are employed to work in schools with delegated budgets.
- 1.3 The procedure does not apply:
  - 1.3.1 On termination of employment for which an employee has been specifically engaged or where there is an appeal following a redundancy.
  - 1.3.2 To an issue involving an individual's grading.
- 1.4 The objective of the Grievance Procedure is to enable any individual or group grievance (see Appendix 1 in relation to Collective Disputes involving teaching staff) to be quickly and satisfactorily settled. Grievances can arise from a variety of sources and they can be relatively simple or fundamentally important: they can arise among members of staff, or with the Headteacher, the Governing Body or the Local Education Authority. In order to deal with these situations at the most appropriate level, this procedure is set out in three parts:-
  - 1.4.1 Stage One, whereby grievances can be discussed in an INFORMAL setting and hopefully resolved without recourse to any subsequent stage.
  - 1.4.2 Stages Two/Five, a FORMAL GRIEVANCE procedure, where the matter has not been resolved at Stage One.

It is, of course, anticipated that most grievances will be resolved through informal discussions and without the need to implement FORMAL procedures.
  - 1.4.3 Collective Disputes involving Teaching Staff - See Appendix 1.
- 1.5 At each stage of the procedure the employee or group of employees may be represented or supported by a friend or other representative.
- 1.6 The time limits which are given for various stages may be changed by mutual agreement. Where indicated, a time limit should be mutually agreed.
- 1.7 The Procedure is applicable where employees have any grievance related to employment, except those indicated in 1.3 above.

## 2. Stage One - Informal Grievance

- 2.1 Where a member of staff has a grievance which involves other staff, including the Headteacher, an attempt should be made to resolve the matter by direct approach by the complainant to the other member(s) of staff. This approach may or may not include the involvement of the Headteacher or another senior member of staff. Where the grievance is against the Governing Body, the matter should be raised with the Corporate Director Children's Services who will consult with the Chair of the Governing Body as necessary.
- 2.2 If the matter is not resolved the complainant should discuss the matter with his/her supervisor or the person to whom the employee is responsible (or the Headteacher if the complaint is against the employee's supervisor).
- 2.3 Where the grievance is against the Headteacher and is not resolved in discussion with the Headteacher, the matter will be raised with the Corporate Director Children's Services (Personnel Services Group) who will arrange consultations with the Governors as necessary.
- 2.4 Where the grievance involves an issue for which the LEA has responsibility, the matter will be referred to the Corporate Director Children's Services (Personnel Services Group).
- 2.5 An oral reply to the INFORMAL GRIEVANCE referred to in 2.2 - 2.4 above should be given within three working days and, if appropriate, a time limit should be agreed within which the grievance should be resolved.

## 3. Stage Two

- 3.1 If the complaint is unresolved at STAGE ONE within the agreed time limit, it then becomes a FORMAL GRIEVANCE.
- 3.2 At this stage the Headteacher will inform the Chair of the Governing Body and contact the Corporate Director Children's Services (Personnel Services Group) in order to obtain advice and clarification on the appropriate course of action. In this respect confirmation will need to be sought as to whether the grievance relates to an issue over which the Governing Body has responsibility or whether the issue is a "conditions of service" matter for which the LEA has responsibility.
- 3.3 The complainant should put his/her grievance in writing and hand it to his/her supervisor or the person to whom he/she is responsible, who will in turn hand the written grievance to the Headteacher who will contact the Chair of Governors and Corporate Director Children's Services (Personnel Services Group) as indicated in 3.2 above. If the grievance is against the individual's supervisor, the written grievance will be handed directly to the Headteacher (or the Chair of the Governing Body where the grievance is against the Headteacher).
- 3.4 The Headteacher (or the Corporate Director Children's Services in relation to conditions of service issues for which the LEA is responsible) will arrange a meeting to discuss and seek to resolve the issue with the interested parties (who will include the Headteacher, Chair of the Governing Body and the Corporate Director Children's Services or his nominated representative). The meeting should take place within five working days of receipt of the written grievance.

- 3.5 A written reply should be sent to the complainant within five working days of the meeting. A second copy of the letter should be given to the complainant for his/her representative if he/she so wishes. Written responses in all cases will be sent by the Corporate Director Children's Services; these will be on behalf of the Governing body in cases where they are responsible for the particular issue being discussed.
- 3.6 If agreement is reached at the meeting, the reply should stipulate, if appropriate, a time limit within which the grievance should be resolved.

### 4. Stage Three

- 4.1 If agreement is not reached at Stage Two or if the grievance remains unresolved within the agreed time limit:
- 4.1.1 in cases where the Governing Body is responsible the Corporate Director Children's Services will arrange for the grievance to be heard by a panel of the Governing Body, comprising of up to three members, one of whom will be the Chair of the Governing Body or nominated Governor. The meeting will be arranged and clerked by the Corporate Director Children's Services or his nominated representative and will be attended by the complainant, his/her friend or other representative, if appropriate, and the Headteacher.
- 4.1.2 in cases where the LEA is responsible, the Corporate Director Children's Services will arrange a meeting with the complainant, the Headteacher, the full-time union official (if appropriate) and the Head of Personnel or his nominated representative. If appropriate the Corporate Director Children's Services will ensure that the Chair of the Governing Body is kept aware of the situation.
- 4.2 The meeting should be held as soon as possible and a written response will be sent by the Corporate Director Children's Services (acting on behalf of the Governing Body if necessary) to the complainant within five working days of the meeting. If agreement is reached in the meeting the reply should stipulate, if appropriate a time limit within which the grievance should be resolved.

### 5. Stage Four

- 5.1 If the grievance is unresolved within the time limit the complainant should submit a request to his/her supervisor or the person to whom he/she is responsible to have the case brought before:
- 5.1.1 in cases where the Governing Body has responsibility over the particular issue, an independent meeting of the governors (excluding those Governors already involved at Stage 3) or an independent panel of governors set up to deal with such cases. The meeting shall be arranged and clerked by the Corporate Director Children's Services or his nominated representative and will be attended by the complainant and his/her friend or other representative, if appropriate;
- 5.1.2 in cases where the LEA is responsible, an independent panel set up by the Chair of Policy and Resources (Personnel) Sub-Committee, consisting of a minimum number of three Councillors who are not members of the Education Committee. At this panel meeting there should be a

representative from the Education Department, the complainant and his/her friend or other representative, if appropriate. The secretary of the Panel is to be a representative of the Head of Strategic Human Resources but not the person who attended the meeting in Stage 3.

- 5.2 The meeting should be held as soon as possible and it will have the power to act - its decisions will be put in writing and sent to the parties concerned within five working days of the meeting.
- 5.3 In cases where the Governing Body has responsibility over the matter being discussed, the decision of the Governors at Stage 4 is final and there is no further appeal.

## 6. Stage Five

For cases where the LEA has responsibility and the matter is still not resolved, the grievance may be taken further, through the appropriate conciliation machinery.

## Appendix 1

### COLLECTIVE DISPUTES PROCEDURE - TEACHING STAFF

#### 1. INTRODUCTION

- 1.1 The purpose of this procedure is to establish, at a local level, machinery to facilitate the resolving of collective disputes between teachers and Governing Bodies or the LEA.
- 1.2 This procedure will be regarded as complementary to the “Grievance Procedure” and will relate to conditions of service matters affecting the general relations between teachers and Governing Bodies/LEAs.
- 1.3 This procedure is not applicable in the case of any disputes which properly will be dealt with under specific legislative provision, e.g. the Teachers’ Pay and Conditions Act or the Teacher’ Superannuation Acts. In addition acceptance of this procedure does not affect the normal arrangements for discussions at national or local level of matters of common interest between teacher (or their representatives) and Governing Bodies/LEAs.
- 1.4 Discussions and negotiations will involve the Governing Body (or its representatives) and/or the Corporate Director Children’s Services or his representative, depending on the nature of the dispute.
- 1.5 The LEA, Governing Body and teacher’ groups/associations involved in a dispute will normally take no action to implement decisions relating to the dispute until the procedures set out below have been fully exhausted.

#### 2. PROCEDURES

- 2.1 Any group of teachers (or their recognised association if appropriate) have the right to meet and negotiate with the Governing Body/Corporate Director Children’s Services (or representative) on appropriate matters affecting them.
- 2.2 The initial approach will be to the Corporate Director Children’s Services (Personnel Services Division) who will liaise as appropriate with the Governing Body.
- 2.3 If the subject of the dispute involves departure from an agreement to which other teachers’ groups or associations are parties, before an approach is made to the Corporate Director Children’s Services, there will be discussions with these other groups or associations.
- 2.4 When a dispute is not resolved through consultation and negotiation between the parties involved, the question will be referred to conciliation.
- 2.5 The conciliation machinery will comprise of an ad hoc panel whose representation is agreed by the parties in the dispute.
- 2.6 The conciliation panel will meet within fourteen days of its establishment.
- 2.7 The conciliation panel will consider the matter in questions and decide accordingly.