

Grievance
Policy and
Procedure

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School: Cambridge Nursery School

**Signed by Chair
of Governors:**

**Signed by Head
Teacher:**

Date:

1. Purpose and Aims

Grievances are concerns, problems or complaints that employees raise with their employers. All employees have a right to seek redress for their grievances and know how their grievances will be resolved. The governing body requires the school grievance procedures to promote fairness and consistency in the treatment of individual employees, and reflect the relevant policy on equal opportunities and avoidance of discrimination.

The procedures will be followed when dealing with a grievance or dispute in relation to an individual's employment. It will not generally be applied to collective disputes which are dealt with under a separate procedure. Allegations of harassment will also be dealt with under a separate procedure.

The policy and procedures aim to ensure that:

- the procedures are known by all employees;
- any employee can raise grievances and issues in respect of their employment within the school;
- grievances are dealt with promptly and in a fair and supportive manner and as near as possible to the point of origin; and
- a fair appeal procedure is available.

Grievances can arise from a variety of sources and it is important for members of the School to recognise that many potential problems and difficulties can and are better resolved informally and as quickly as possible. Formal procedures are intended to be used for problems which are serious in themselves, or serious because they remain unresolved after informal steps have failed to achieve a satisfactory outcome.

2. Scope

The procedure applies to all employees of the school

The procedure excludes matters relating to:

- Appeals against grading (as there is a separate procedure)
- Discipline and Dismissal
- Harassment
- Matters over which the school has no control

The grievance procedure will not be available to employees who:

- a) have been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter;
- b) have been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose

grievance concerns, or is connected with, that matter or the arrangements for that interview or hearing;

c) have grievances which are:-

- (i) matters of principle;
- (ii) the subject of, or appropriate to, the collective differences/disputes procedure agreed between the School and the recognised trade union and given in the constitution of the Local Joint Consultative Committee. References beyond local level will be in accordance with the prevailing regional and/or national agreements;
- (iii) fail to comply with the relevant time limits in the procedure, unless management and the employee (or their representative) concur in advance to a particular time limit being waived;
- (iv) attempt to restart the grievance procedure in respect of a grievance which has been heard and resolved under the procedure within six months of that hearing, unless the grievance is about actions which have taken place after the earlier grievance was decided upon.

3. Responsibilities

a) The Governing Body

The governing body will make and maintain a Grievance Policy and Procedures.

The governing body has delegated to the Head the responsibility for dealing with staff grievances. (When the Head has a grievance or the grievance is against the Head, the matter will be dealt with by the Chair, or if appropriate by another nominated governor.)

The Head also has the power to delegate responsibility for dealing with grievances to appropriate line managers at the informal stage. Should the grievance become formal the Head may appoint an Investigating Officer to act on his/her behalf, however, the decision to uphold/not uphold the grievance will lie with the Headteacher.

The governing body will appoint an Appeal Panel to hear any appeals arising from the decision.

Otherwise governors will play no part in the grievance procedures.

b) The Head teacher

The Head has the responsibility for managing the procedures and for resolving grievances as far as is reasonably practicable. The Head must ensure that the procedures are known to all staff.

The Head has the delegated power to require appropriate line managers to resolve grievances and disputes in the first instance, and to pass the matter to the Head if it has proved impossible to resolve satisfactorily.

When the grievance has been formally raised with the Head he/she may appoint an Investigating Officer to act on his/her behalf . It will be made clear to the employee that the responsibility for the decision lies with the Headteacher.

The Head must aim to resolve any formal grievances referred to him/her as promptly and as sensitively as possible. The Head must advise the employee, in writing, that he/she may be accompanied by a trade union representative or school colleague at the grievance meeting.

c) Investigating Officer

The Investigating Officer will investigate the grievance at the request of the Headteacher. He/she will carry out a thorough investigation, after which he/she will make findings and recommendations. The Investigating Officer does not have the authority to make decisions unless he/she is investigating a grievance against the Headteacher or raised by the Headteacher and that authority has been delegated by the Governing Body.

During the course of the investigation, the Investigating Officer may be supported by an officer of the Local Authority

d) Line Managers

The appropriate line managers have the responsibility for ensuring that any informal grievance brought to their attention is considered promptly and a resolution sought. They are expected to apply the procedures and conduct any investigation in a sensitive and considerate manner.

The line manager is expected to inform the Headteacher that a grievance has been raised and is being dealt with informally.

e) Rights of the Employee's Companion

The employee's Trade Union representative/School colleague has the right to:

- address the hearing, putting the employee's case;
- sum up the case;

- respond on the employee's behalf to any views expressed at the hearing; and
- confer with employee during the hearing.

The Trade Union representative/School colleague may not answer on behalf of the employee any questions put directly to the employee, and may not address the hearing if the employee indicates that he/she does not want the companion to do so.

The Trade Union representative/School colleague may not stop the employee explaining his/her case, nor prevent anyone else at the hearing from making a contribution.

f) Appeal Panel

The governing body will appoint an Appeal Panel of three members at its inaugural meeting each year. The members of the Panel should ensure that they have not been involved in any prior stages of the grievance procedure. They must declare any prior involvement and play no further role. The Panel may call for expert advice wherever appropriate.

g) The Employee

The employee has the duty to use every endeavour to resolve the dispute satisfactorily. The employee has a right to bring Trade Union representative or a school colleague to any meeting.

The governing body expects that employees will also set out with the intention of settling the dispute as speedily as possible.

If the dispute cannot be resolved informally the employee must follow the formal procedures.

4. Procedure

- a) Employees must first discuss a grievance on the relevant subject with their line manager, as soon as possible and no later than **two months** of the event giving rise to the grievance unless the line manager is the subject of the grievance or it is otherwise inappropriate to raise the grievance with the line manager.
- b). The line manager must reply orally as soon as possible and, in any case, within **two working days**.
- c). If the employee is not satisfied with a reply, or does not receive a response within the agreed timescale, he/she is free to see his/her Trade Union/School Colleague who must, if appropriate, take up the matter with the line manager within **five working days**.

- d). If the employee continues to be aggrieved, he/she or his/her representative must, within **five working days**, submit the grievance to the line manager for transmission to the Head. At this stage the grievance must be put in writing on the "Grievance Procedure Report" form and the employee and his/her representative should keep a copy.
- e) The Head must, within **five working days**, notify the employee of the arrangements for a meeting with the aggrieved party(s) and management response and, if desired, a Trade Union Representative/School Colleague. This meeting must take place within 10 working days and the Head may be accompanied by a member of the Human Resources Team for the purposes of advice.
- f). As soon as possible, and not later than **5 working days** after this meeting, the Head must confirm the decision in writing. He/she may uphold the grievance or refer the matter back with comments or reject the grievance.
- g). Where an employee is dissatisfied with the reply of the Head, or in cases where there is a complaint against the Head's personal decision or action, the employee must confirm this in writing to the Head within **ten working days**, quoting the reasons for complaint. The grievance will then be heard by the Governors Appeal Panel.
- h). The Appeal Panel will be advised if required by a representative from the Human Resources Team. The Appeal Panel must hear the complaint within **ten working days** and confirm the decision in writing.
- i). The matter will end at this point.

5. Other Matters

a) Confidentiality

In order to preserve the rules of the natural justice for all parties, the Head/Investigating Officer and governors must ensure that matters relating to any disputes are not discussed outside the meetings called expressly to consider the matters.

b) Timescales

If the employee does not adhere to the time limits then the procedure will not be available to them. If the management side does not comply with the time limits then the employee will be entitled to progress to the next stage. It is possible to waive the time limits by agreement, and in advance, between management and the employee concerned.

c) Witnesses

Either side may introduce witnesses to the meeting with the Head or Appeal Panel hearing, but must notify all relevant parties at least 5 working days that they intend to do so. It should be noted that new evidence cannot be introduced at the Appeal stage.

d) Witness Statements

If witness statements have been obtained during the course of any investigation all parties must be given copies of them at least 5 working days before the meeting. A shorter period may be agreed by the parties. Where there is a request to preserve the anonymity of a witness the Local Authority should be consulted before any decision is made.

e) Equal Opportunities

In all the procedures all parties must take into account the school's/college's equal opportunities policy and to ensure that there is no discrimination on the grounds of sex, race, marital status/civil partnership, maternity or pregnancy, disability, sexual orientation, religion and belief, gender identity nor age.

MANAGEMENT GUIDE

Guidance on the Formal Procedure

1. Statement of Grievance

Where the informal procedure has failed to resolve the matter, the employee must submit details of the grievance in writing to the Head by completing the Grievance Procedure Report form, including details of any attempt to resolve the matter informally, within 5 working days. The Head may appoint an Investigating Officer to act on his/her behalf.

(If the grievance is against the Head, or the Head is the aggrieved party, the written grievance will be forwarded without delay to the Chair of Governors, or other nominated Governor.)

If the grievance raised is in relation to an interview or disciplinary hearing or an interview or hearing concerning unsatisfactory performance, the grievance should be dealt with after the formal hearing and prior to appeal.

Similarly if the grievance involves a matter of principle, the aggrieved party should contact their Trade Union representative for advice.

2. The Meeting

The Head/Investigating Officer will inform the employee within 5 working days from receipt of the grievance form of the date of the meeting to be held to resolve the matter. This meeting should take place no later than 10 working days of receipt of the formal written grievance. The Head/Investigating Officer may seek advice from any appropriate source, and may take evidence from the original line manager and/or all the parties to the dispute

It may be necessary to convene a series of investigatory meetings, with those involved in the grievance for this purpose.

Copies of all relevant documents should be provided to all parties involved at least 5 working days before the meeting.

The aggrieved party may be accompanied by a Trade Union representative/School colleague and will be given an opportunity to present his/her case.

The Head/Investigating Officer may be accompanied by a Human Resources Officer of the Local Authority for the purposes of advice.

The matters discussed at the meeting will remain confidential.

The decision of the Head/Investigating Officer will normally be advised at the end of the meeting, or as soon as reasonably practicable thereafter, and confirmed in writing within 5 working days.

The aggrieved party will be advised of the right of appeal and of the right to be accompanied by a trade union representative or school colleague at the appeal hearing.

The employee must inform the employer, in writing, of their intention to appeal within 10 working days of receipt of the written notification of the decision. The grounds of appeal must be clearly stated.

3. The Appeal Hearing

The Appeal Panel will be advised by as appropriate by a Human Resources Officer of the Local Authority.

Copies of all relevant documents will be provided 5 working days in advance of the meeting to all parties involved.

All parties will be reminded that the proceedings must remain confidential.

The grievance will be set out by the employee or representative. Any relevant witnesses or witness statements may be considered, and expert advice can be sought if appropriate.

The Head/Investigating Officer may ask questions of the aggrieved party or any witnesses. The Head/Investigating Officer may be accompanied by a Human Resources Officer of the Local Authority for the purposes of advice.

The Panel will then ask the Head/Investigating Officer to explain his/her decision and to offer any evidence including any relevant witnesses or witness statements.

The employee or Trade Union representative/School colleague the may ask questions of the Head/Investigating Officer and any witnesses.

At any point the Appeal Panel members can ask questions of all parties.

The Appeal Panel will ask the Head/Investigating Officer to sum up his/her decision.

The Appeal Panel will finally ask the employee or the Trade Union representative/School colleague to sum up on behalf of the employee.

At the end of the meeting the Appeal Panel will consider its decision without any other party being present (except where a clerk may be present for the purpose of taking minutes or a Human Resources Officer of the Local Authority for the purpose of advising the Panel).

The decision, or recommendations, of the Panel will be given to all parties at the end of the meeting, or following an adjournment, and confirmed in writing within 5 working days.

The Panel may adjourn the proceedings at any stage if this appears necessary or desirable. If the adjournment is for the purpose of enabling further information to be obtained the Panel will specify the nature of that information.

All parties may ask for an adjournment for the purpose of consultation. Any adjournment will normally be for a specified time.

There is no further right of appeal and the findings of the Appeal Panel will be binding on all parties.

GRIEVANCE PROCEDURE FLOWCHART

		<u>Action/Timescale</u>
Employee →	Line Manager	Discuss grievance within <u>2 months</u> of event.
Employee ←	Line Manager	Oral response within <u>2 working days</u>
<i>(If still aggrieved)</i>		
Employee →	Line Manager	Take up within <u>5 working days</u> May involve trade union
<i>(If still aggrieved)</i>		
Employee →	Line Manager	In writing on "Grievance Procedure Report" form within <u>5 working days</u>
	↓	
Employee ← employee	Headteacher	Consult Personnel and inform within <u>5 working days</u> of arrangements for a meeting to take place within <u>10 working days</u>
Employee ←	Headteacher	Write and confirm decision within <u>5 working days</u>
<i>(If still aggrieved)</i>		
Employee →	Headteacher	In writing (quoting reasons) within <u>10 working days</u>
	↓	
Employee ←	Governors Appeals	Appeal to be heard within <u>10 working days</u> . Write and confirm decision within <u>5 working days</u>