

Grievance Resolution Procedure – Guidance for Employees

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GRIEVANCE RESOLUTION PROCEDURE – GUIDANCE FOR EMPLOYEES

1. OVERVIEW

1.1 These advice notes have been produced to provide you with guidance in using the Grievance Resolution Procedure (which applies to all employees – teaching and support staff). If you require clarification of any point please approach your manager, or Trade Union Representative.

1.2 The Grievance Resolution Procedure does not apply to the following types of grievance:

- **Grievances related directly to matters being dealt with under disciplinary procedures or disciplinary sanctions** – these will normally be considered as part of the disciplinary process. *Note: if you believe that the Disciplinary Procedure itself has been misapplied or mishandled they have a right to raise a grievance. In such cases, the School could choose to resolve the Grievance using the separate Grievance Resolution Procedure before further action is taken under the Disciplinary Procedure. Alternatively, it might be appropriate to deal with both at the same time.*
- **Grievances related directly to matters being dealt with under capability procedures** – these will normally be considered as part of the capability process. *Note: if you believe that the Capability Procedure itself has been misapplied or mishandled they have a right to raise a grievance. In such cases, the School could choose to resolve the Grievance using the separate Grievance Resolution Procedure before further action is taken under the Capability Procedure. Alternatively, it might be appropriate to deal with both at the same time.*
- **Grievances which amount to allegations of misconduct** – these will be investigated and dealt with under the Disciplinary Policy; Where your grievance amounts to an allegation of bullying/harassment/discrimination you should seek advice from the Schools Human Resources Advisory Service.
- **Concerns which are ‘protected disclosures’** – these will be dealt with under the Whistleblowing Policy
- **Grievances related to selection for redundancy** – you may appeal against selection for redundancy under the redundancy procedure
- **Grievances related to grading issues** – these would normally be dealt with under the Job Evaluation Procedure
- **Grievances related to pay and conditions of service, pension, tax or benefit regulations, negotiations / consultation with the recognised trade unions or local collective agreements made with the recognised trade unions**

Please note – this list is not exhaustive. If you are in any doubt as to whether the grievance should be dealt with under the Grievance Resolution Procedure, please contact the school or your Trade Union Representative.

2. GENERAL PRINCIPLES

2.1 You should always attempt to resolve your concerns informally in the first instance. You should discuss this with your line manager or, if necessary, a suitable alternative

manager if your line manager is the subject of the grievance. (See paragraph 3 below for further details).

- 2.2 You have the right to be accompanied by a work colleague, trade union representative or official employed by a trade union at all formal meetings held under the Grievance Resolution Procedure. (See paragraph 8 below for further details).
- 2.3 The time limits within the Grievance Resolution Procedure may be altered by mutual agreement.
- 2.4 You will be given copies of any formal minutes taken during meetings / hearings.
- 2.5 Until government guidance relating to the coronavirus pandemic changes, the grievance procedure in this policy will be conducted in line with the safe working practices in the school including social distancing measures where meetings are necessary and consideration will be given to holding meetings remotely.

3. RAISING YOUR CONCERN(S) INFORMALLY

- 3.1 If you have concerns about your employment you should raise these with your line manager. You may wish to use the Employee Concern form to do so (see Appendix 1 of the Procedure). If you have regular one to one meetings with your line manager these would provide a good opportunity to do this or you could ask your manager for a separate meeting. If your concern is about your line manager try to raise your concerns with him/her in person in the first instance if possible. If you do not feel able to do this you should contact your manager's line manager. You may also want to contact your trade union representative for support with raising these concerns.
- 3.2 At the meeting explain as clearly as possible what your concern is, giving details of dates and events if possible. Explain whether you have taken any action to try to resolve the problem. Explain how you would like to see your concern resolved.
- 3.3 Your manager may need to seek further information before he/she can respond to your concern. He/she may ask you whether there is any other information he/she should consider before forming a view on your grievance.
- 3.4 Once your manager has had the opportunity to consider the information relevant to your concern(s) he/she will meet with you to provide you with their response.
- 3.5 Sometimes more than a meeting with your line manager may be needed to resolve your concerns. There are several options available that may be effective in resolving concerns informally. Please see Appendix 5 of the Grievance Resolution Procedure for information regarding these.

4. FORMAL GRIEVANCES

- 4.1 If you have tried an informal approach but still remain dissatisfied, you may raise your concern(s) formally using the Grievance Resolution Procedure. To do so you should write to your Line Manager (or where you concern(s) relate directly to your Line Manager,

the Headteacher or where your concern(s) relate directly to the Headteacher, the Chair of Governors) as described in paragraph 7 of the Grievance Resolution Procedure.

4.2 A form is attached as Appendix 2 of the procedure that you can use to raise your grievance formally. You should:

- Fill out the form as fully as possible, you can add extra pages if you need more space.
- If you are a member of a trade union you may want to ask a trade union representative to help you complete the form.
- Include all relevant details – describe incidents or behaviour, with dates and give details of any witnesses where possible.
- Describe anything that you have done to try to resolve the grievance informally.
- Explain clearly how you would like the grievance resolved – what needs to happen or stop happening?

4.3 If the person to whom you have written is the Line Manager / Headteacher they should meet with you regarding the grievance. If the person to whom you have written is the Chair of Governors, the Chair may meet with you or nominate another governor to do so. Please note that if your grievance amounts to an allegation of bullying, harassment and/or discrimination it will need to be investigated under the disciplinary procedure.

4.4 The person meeting with you regarding your grievance will contact you to arrange a mutually convenient time for the meeting to be held. This will normally within 10 working days of the date on your written grievance was received, subject to the need to carry out an investigation. You will receive a letter confirming the details of the meeting.

5. THE GRIEVANCE MEETING

5.1 The purpose of the meeting is to allow you to fully explain your grievance and how you would like to see it resolved. You are able to provide the meeting with any supporting documentation which you consider is relevant to your grievance and which you would wish the person meeting with you to take into account.

5.2 You have the right to be accompanied at the meeting by a trade union representative, official employed by a trade union or a work colleague. This person is referred to as the 'employee's representative' in these advice notes, and in the Grievance Resolution Procedure. You should tell the person meeting with you regarding your grievance the name of your representative before the meeting. (Further details of the role of your representative can be found in paragraph 9 below.)

5.3 At the meeting the person meeting with you will:

- Explain the purpose of the meeting.
- Ask you to explain your grievance and to provide supporting evidence where possible.
- Ask you how you would like your grievance to be resolved.
- He/she may ask you questions to gain a full understanding.

- Where the person meeting with you believes that further information is needed to assist them in forming a view on your grievance, he/she may decide that further investigation into your grievance is required. In these circumstances the meeting will be adjourned to allow this further investigation to take place. If further investigation is necessary, they may ask you whether there is anything that you think needs to be included in the investigation. He/she will indicate when the meeting is likely to be reconvened.

5.4 When you are explaining your grievance take your time and try to remain calm. Explain what has happened or failed to happen, giving details of any dates and witnesses, and providing copies of any supporting documentary evidence as appropriate.

5.5 Clearly explain how you would like the grievance resolved.

6. THE RECONVENED MEETING (WHERE THE FIRST MEETING WAS ADJOURNED)

6.1 The person meeting with you regarding your grievance will:

- Summarise the main issues raised at the initial meeting.
- Explain the findings of the investigation.
- Ask you if you have any questions about the investigation, and to comment upon it.
- At the reconvened meeting, having listened to your comments the person meeting with you will decide whether any further investigation should be carried out.

7. RECEIVING THE DECISION

7.1 The person meeting with you regarding your grievance will need to consider how it is best resolved. He /she will take into account how you would like the grievance resolved, the facts from any investigation, and the wider implications of possible resolutions.

7.2 The person meeting with you regarding your grievance will write to you with his/her decision, normally within 5 working days of the meeting/reconvened meeting. You will have the right to notify the school of your intention to appeal the decision by writing to the Clerk to Governors within 10 working days of receiving written confirmation of the grievance meeting decision.

8. APPEALS

8.1 The purpose of the appeal is to allow you to explain why you are not satisfied with outcome of the grievance meeting, and so that you can explain how you would like your grievance resolved. (You are entitled to put this in writing and submit this together with any supporting material a reasonable period in advance of the appeal hearing. You can use the Grievance Appeal Form (Appendix 4 in the Grievance Resolution Procedure) to do this.) The person who met with you at the grievance meeting will attend the appeal to explain the reasons for the decision at the earlier stage. A representative of Human Resources may attend to advise the panel hearing the appeal on procedural matters.

8.2 You will be informed in writing of the date, time and location of the appeal hearing, and the names of the people on the panel hearing the appeal.

- 8.3 You will be entitled to be accompanied at the appeal by a trade union representative, official employed by a trade union or work colleague. You are also entitled to call other employees as witnesses though they are not obliged to attend.
- 8.4 At the hearing the chair of the appeal panel hearing the appeal will:
- Introduce those present and explain their role.
 - Explain the purpose of the appeal and the agenda for the appeal hearing.
 - Ask you to explain why you are not satisfied with the response to your grievance and ask you to explain why you would like to see it resolved.
 - Ask the person who met with you at the grievance meeting to explain why they reached their decision.
- 8.5 After you have explained why you are dissatisfied with the resolution, you may be asked questions by the panel hearing the appeal and/or the representative of Human Resources as may any witnesses you call.
- 8.6 After the person who met with you at the grievance meeting has explained the earlier decision you and/or your representative may ask him/her questions. He/she may also be asked questions by the panel hearing the appeal and/or the representative of Human Resources.
- 8.7 If the panel hearing the appeal believe further investigation is required he/she/they may adjourn the appeal hearing whilst this is carried out. The outcome will be discussed at a reconvened appeal hearing.
- 8.8 The panel hearing the appeal will then decide whether to uphold the previous decision or resolve the grievance in some other way. The Chair of the Appeal Panel will inform you of the decision in writing within 5 working days of the appeal hearing/reconvened appeal hearing. This decision is final.

9. THE RIGHT TO BE ACCOMPANIED

- 9.1 You have a right to be accompanied by a fellow worker, trade union representative or official employed by a trade union at a grievance meeting / hearing under the Grievance Resolution Procedure.
- 9.2 When choosing your companion you should bear in mind:
- your request to be accompanied should be reasonable and
 - the practicalities of the arrangements for the meeting / hearing.
- 9.3 A fellow worker who has agreed to accompany you is entitled to take reasonable time off with pay to fulfil that responsibility. This should cover time off to attend any meetings and also time off to familiarise themselves with the case.

- 9.4 Where possible, in arranging a meeting under the Grievance Resolution Procedure the school will allow your chosen companion a say in the date/time of the meeting to avoid dates being set which later prove to be inconvenient for the parties involved.
- 9.5 If your chosen companion will not be available at the time proposed for the meeting / hearing by the school, the school will postpone the meeting / hearing to a time proposed by you provided that the alternative time is both reasonable and not more than 5 working days after the date originally proposed.

10.0 THE EMPLOYEE'S CHOSEN COMPANION

- 10.1 Your representative cannot be someone whose presence would prejudice the meeting or who might have a conflict of interest.
- 10.2 With your agreement your chosen companion may:
- Confer with you during meetings / hearings
 - Explain your case
 - Ask questions
 - Sum up
 - Respond to views

However, he/she may not answer questions on your behalf, except in exceptional circumstances.

11.0 CONFIDENTIALITY

- 11.1 Confidentiality should be maintained during all stages of the Grievance Resolution Procedure. This is done by ensuring that only people who need to know have access to the details of the case. Other staff will not normally be informed of a grievance process unless they are required to be interviewed as part of that process and/or there is an effect on day to day working relationships. If it is considered necessary to inform other staff that of a grievance process, then no details of the case will normally be discussed and your views will be sought in relation to the information which is conveyed to other staff. Please see paragraph 3 of the Grievance Resolution Procedure for more information on confidentiality and the exceptional circumstances in which the school would be obliged to share information shared in confidence.
- 11.2 All papers relating to grievance matters must be marked private and confidential and kept and used securely in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 11.3 You should ensure that confidentiality is maintained at all times. A breach of this requirement may lead to disciplinary action.

All our policies and guidance can be found at www.supportservicesforeducation.co.uk

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