Larkspur Primary School

Grievance Policy and Procedure

Revised September 2022

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The Grievance Policy

1. Aim

1.1. The aim of this policy is to ensure that questions and problems arising in the course of employment can be raised and resolved quickly, in a fair and reasonable manner.

1.2. It is in the school's interest to resolve problems before they can develop into significant difficulties.

2. Definition

2.1. A grievance is a concern, problem, or complaint that an employee raises with their employer.

2.2. A collective grievance is a grievance brought by two or more employees based on identical or similar concerns.

3. Scope

3.1. This policy applies to all employees appointed by the Governing Body of the school.

3.2. In this school, the Governing Body acts as an agent of Gateshead Council in undertaking the functions of the employer.

3.3. The Grievance Policy will:

- allow employees to raise any concerns;
- allow grievances to be resolved informally at an early stage;
- allow a formal procedure for grievances left unresolved;
- ensure that all matters of concern raised will be carried out confidentially unless it operationally required to be shared;
- be implemented in a fair and consistent way;
- be made available to all employees.

This policy applies to grievances raised in relation to the following:

- terms and conditions of employment where there is no other appeal process;
- health and safety;
- working environment;
- changes to or new working practices;
- organisational changes;
- fair treatment at work;

- discrimination.

However, it does not apply in the circumstances below:

- job evaluation appeals (NJC Green Book);
- re-grading claims (NJC Green Book);
- disciplinary actions;
- recovery of salary overpayments;
- terms and conditions where they have their own appeals process;
- whistleblowing (will be dealt with under the School's Whistleblowing Policy);
- relationships at work, including bullying and harassment (will be dealt with under the School's Dignity at Work Policy);
- complaints raised by former employees after they have left employment.

In addition to the exceptions above, a collective grievance should not be used in relation to matters subject to collective bargaining.

4. Responsibilities

4.1. The Governing Body will:

- conduct the school with a view to promoting high standards of educational achievement;
- delegate authority to the relevant Committee to administer this policy and procedure on its behalf;
- take all grievances raised seriously and ensure no worker suffers detriment for raising a grievance in good faith;
- abide by all relevant legislation and will not discriminate on grounds of any protected characteristics as defined by the Equality Act 2010;
- have overall responsibility for the implementation of this policy and will ensure the policy and procedure is applied consistently and fairly.

4.2. The relevant Committee will:

- establish a panel of Governors (minimum 3 to be quorate) to determine the grievance outcome, feedback the decisions and their recommendations;
- monitor the implementation of the recommendations, or delegate the monitoring to the Head Teacher;
- only allow those Governors who are not employed to work in the school to be part of the panel;
- exercise its responsibilities within the constraints of the policy and procedure;

- treat information about any employee's grievance as confidential and only divulge information when operationally necessary;
- take account of any advice from Human Resources with regards to applying the procedure and employment law;
- ensure all grievance outcome meetings are noted;
- report decisions taken at grievance outcome meetings to the next meeting of the full Governing Body.

4.3. The Head Teacher will:

- support any employees who have concerns within the school;
- identify reasons for any concern and support the employee to establish a means of resolving them informally;
- not allow any covert recording of any meeting held during the procedure however if a reasonable adjustment is required and all parties agree recording may take place;
- inform the Chair of the Governing Body if they have any concerns so they can be resolved informally at the earliest possible opportunity;
- ensure all employees are made aware of and receive a copy of this policy and procedure;
- encourage employees to seek representation at formal meetings;
- ensure all informal and formal grievances are managed effectively in line with this policy and procedure.

4.4. The employee will:

- inform the Head Teacher/line manager/member of the Governing Body if they have any concerns so they can be resolved informally at the earliest possible opportunity;
- attend meetings to discuss their grievance when required;
- arrange for their chosen trade union representative or work colleague to attend any appropriate meetings if they wish to be accompanied;
- not undertake any covert recording at any meeting held during the procedure however if a reasonable adjustment is required and all parties agree recording may take place.

5. Record Keeping

5.1. Formal grievances will be held on the employees' personnel files along with a record of any decision made and any records of meetings held, or other documents compiled during the process.

5.2. Records will be treated as confidential and will be kept no longer than necessary in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

6. Review

6.1. This Grievance Policy and Procedure was agreed by the Governing Body of Larkspur Primary School on ……

6.2. This is a non-contractual policy and does not form part of an employee's contract of employment.

6.3. The school may amend it at any time, subject to consultation with all employees and recognised trade unions.

The Grievance Procedure

1. Informal Procedure – Individual Grievance

1.1. Concerns can best be resolved through discussions between an employee and their Head Teacher/line manager. It is in everyone's best interest to ensure that grievances are dealt with quickly, fairly and at the most immediate and lowest level at which the matter can be resolved.

1.2. If an employee has a grievance in connection with their work they should, in the first instance, discuss it with their Head Teacher/line manager and attempt to resolve it informally. If an employee does not wish to approach their Head Teacher/line manager themselves, they may ask their trade union representative or work colleague to speak to their Head Teacher/line manager informally on their behalf.

1.3. Dealing with grievances informally can lead to a speedy and sustainable resolution of concerns. Therefore, every effort should be taken resolve grievances informally, minimising the need to reach the formal procedure.

1.4. If the grievance has not been resolved informally or the seriousness of the concerns warrants, the formal grievance procedure may be used.

1.5. There may be occasions where the Head Teacher has a concern themselves, these matters will be addressed through this procedure and therefore in these circumstances the employee should be substituted by Head Teacher and Head Teacher should be substituted by the Chair of the Governing Body.

1.6. There may be occasions where the employee does not feel it is appropriate to raise their concern with the Head Teacher, in these circumstances the employee should approach a member of the Governing body and this person will substitute the Head Teacher in this procedure.

2. Formal Procedure – Individual Grievance

2.1. Where employees consider that the informal procedure has not addressed their concerns or due to the seriousness of the concerns, employees can move to the formal procedure and should complete the grievance form at appendix 1 or in writing. Employees should include:

- a description of the nature of the grievance, including any relevant facts, dates and names of people involved;
- what attempts have been made to resolve the grievance informally (if appropriate);
- the preferred resolution.

Failure to submit the grievance in writing will result in the grievance not being considered formally.

Employees are encouraged to seek support from their trade union representative or work colleague before submitting a formal grievance.

2.2. Where the Head Teacher is not the subject of the grievance the written grievance must be forwarded to the Head Teacher. The Head Teacher will acknowledge receipt of the grievance within 5 working days of receiving it and commence the grievance investigation as detailed in section 3 below as soon as possible.

2.3. Where the Head Teacher/an individual member of the Governing Body is the subject of the grievance the written grievance must be forwarded to the Chair or Vice Chair of the Governing Body. The Chair or Vice Chair will acknowledge receipt of the grievance within 5 working days of receiving it and commence the grievance investigation as detailed in section 3 below.

3. Investigation – Individual Grievance

3.1. Where appropriate the Head Teacher will act as investigating officer to conduct an impartial and thorough investigation into the grievance. It may be necessary to appoint an independent investigating officer depending on the nature of the grievance. The investigating officer must be different to the person who ultimately decides on what resolution, if any, is to be offered.

3.2. When the Head Teacher/an individual member of the Governing Body is the subject of the grievance then the Chair of the relevant Committee, a suitable alternative Governor to the Chair, or an independent person will act as investigating officer.

3.3. The investigating officer will take advice from Human Resources and invite the employee to attend a meeting to discuss their grievance within 10 working days of the written acknowledgement. The employee has the right to be accompanied by their trade union representative or work colleague at all meetings in relation to their grievance.

3.4. It is the employee's responsibility to arrange the attendance of their chosen trade union representative or work colleague. If this date is not suitable for the employee or the trade union representative or work colleague, they must offer an alternative date which is within 5 working days of the original date.

3.5. During the meeting the employee will be invited to restate and expand upon their grievance, confirm what attempts have been made to resolve

the grievance informally and state how they would like their grievance to be resolved. The meeting will be noted, and the employee will have the opportunity to review these notes and either agree them as a true record or append any comment to them. The employee will be allowed 5 working days from receipt of the notes to respond to the investigating officer.

3.6. The investigating officer will then carry out a thorough investigation, if necessary, to obtain all the relevant facts and will not make any assumptions. This will usually involve taking a comprehensive record of any meetings that occur and obtaining relevant documentary evidence. It is important to be impartial when looking for evidence. All corroboration, or contradiction, will be noted within the findings.

3.7. If it is necessary for the purpose of the investigation to formally meet with an employee who the grievance is against, they will be informed in writing of:

- the reason for the meeting, a summary of the grievance against them and a copy of this procedure;
- the person undertaking the investigation;
- their requirement to attend on a specified date and time;
- that they can be accompanied by a trade union representative or work colleague and are encouraged to do so.

3.8. Potential witnesses may be identified through the investigation and where appropriate will be interviewed as part of the investigation. The witness will be informed of their right to have a trade union representative or work colleague present and at the meeting the following should be discussed:

- date, time and place of each or any observation or incident;
- the opportunity and ability of the witness to observe clearly and with accuracy;
- the circumstantial evidence, such as knowledge of a system or arrangement or the reason for the presence of the witness and why certain small details are memorable;
- the witness' relationship with the employee and if there has been any reason given that may give cause to believe they have fabricated or exaggerated their evidence;
- confirmation of the sharing of the notes.

3.9. The meeting will be noted, and the investigating officer will ensure that any witness involved receives a record of their meeting. They will then have the opportunity to review these notes and either agree them as a true record or append any comment to them. The witness will be allowed 5 working days from receipt of the notes to respond to the investigating officer After reviewing the record(s) further investigation may be necessary to help to corroborate the information given.

3.10. The school recognises a witness may want to remain anonymous. However, it may not be possible to keep the witness' identity confidential and they may need to come forward, as a witness, at an appropriate time. If it becomes necessary to reveal the witness' identity the investigating officer will discuss this with the witness and their nominated representative. At this point the witness will have the option to continue or not.

3.11. The school encourages witnesses to put their names forward. Statements made anonymously are less powerful, but they may be considered at the discretion of the school. In exercising this discretion, the factors to be considered would include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the findings from other named sources.

3.12. If it is proven, after investigation, that any employee makes malicious or vexatious allegations, disciplinary action including dismissal may be taken. Similarly, if an agency worker, external secondee or volunteer etc. makes malicious or vexatious allegations, the school will consider discontinuing with their services.

3.13. The investigation will be undertaken without unreasonable delay and the employee will be informed when they might reasonably expect the investigation to be completed. The employee should be informed of the progress of the investigation if the original timescale cannot be met.

3.14. Covert recording of any meeting conducted under the Grievance Procedure is not permitted and therefore any employee or witnesses attending any meeting may be asked by the chair to confirm that they are not doing so. However, if a reasonable adjustment is required and all parties agree recording may take place.

4. Outcome Meeting – Individual Grievance

4.1. The investigating officer will provide the relevant Committee with a full report outlining the findings of the grievance investigation. The Committee, with Human Resources advice (if necessary), will meet to determine the outcome of the grievance. The investigating officer may be invited to take part in this meeting to discuss the findings and address any issues that may arise from their report.

4.2. The Committee may dismiss the grievance or may uphold the grievance, in full or in part, and may make recommendations to resolve the concerns raised.

4.3. The Committee will then arrange a grievance outcome meeting with the employee raising the grievance to inform them of their determination and to discuss any recommended actions. This meeting will occur within 10 working days of the Committees determination.

4.4. When the employee is invited to attend this meeting with 5 working days' notice, they will be provided with a copy of the full report. The employee has the right to be accompanied by a trade union representative or work colleague.

4.5. It is the employee's responsibility to arrange the attendance of their chosen trade union representative or work colleague. If this date is not suitable for the employee or the trade union representative or work colleague, they must offer an alternative date which is within 5 working days of the original date.

4.6. Following the grievance outcome meeting or if an alternative date is not offered, within 5 working days of the original date, the Chair of the Committee will inform the employee, in writing, of the determination and their right of appeal

4.7. The Committee will, if necessary, then meet with the employee, who the grievance was regarding, to feedback the outcome of the grievance, provide them with a full report and any subsequent actions following the outcome. The employee can be accompanied at this meeting by their trade union representative or work colleague.

4.8. The parties may on occasions and by mutual agreement modify the timescales referred to in this procedure.

5. Informal Procedure - Collective Grievance

5.1. Where a collective grievance by two or more employees based on identical or similar concerns is brought to the Head Teacher or Chair of the Governing Body's attention the school will try, depending on the nature of the concerns, to resolve any issues/concerns raised on an informal basis.

5.2. If the employees do not wish to approach their Head Teacher or Chair of the Governing Body themselves, they may nominate a representative from the collective or trade union representative to speak to their Head Teacher or Chair of the Governing Body informally on their behalf.

5.3. It is in everyone's interest to resolve collective grievances quickly. Every effort should be made by the Head Teacher or Chair of the Governing Body to resolve grievances informally, minimising the need to reach the formal procedure.

5.4. If the matter is not resolved or if the seriousness of the matter warrants, the formal collective grievance procedure may be used.

6. Formal Procedure - Collective Grievance

6.1. Employees wishing to pursue a collective grievance must appoint a nominated representative to represent them at all stages of the formal procedure. Those who are members of a trade union can either appoint a trade union representative or nominate a representative from amongst themselves. Those who are not members of a trade union must nominate a representative from amongst themselves

6.2. All the employees should submit their collective grievance on the form attached at Appendix 2 or in writing and include the following:

- a description of the nature of the collective grievance, including any relevant facts, dates and names of people involved;
- what attempts have been made to resolve the collective grievance informally (if appropriate);
- the preferred resolution;
- the name and job title of every employee raising the collective grievance;
- the name of any nominated representative and/or trade union representative.

Failure to submit the grievance in writing will result in the collective grievance not being considered.

Employees are encouraged to seek support from their trade union representative or work colleague before submitting their grievance.

6.3. The collective grievance should be submitted to the Head Teacher. Where the matter concerns the Head Teacher, or the Head Teacher is part of the collective, the grievance should be submitted to the Chair of the Governing Body. The Head Teacher/Chair of the Governing Body will acknowledge receipt of the collective grievance within 5 working days of receiving it.

7. Investigation – Collective Grievance

7.1. Where an investigation is required, the procedure outlined in Section 3 of the individual grievance procedure (above) will be followed and meetings will be held with the employees' nominated representative and/or trade union representative. If necessary and appropriate individual meetings may be held.

8. Outcome Meeting - Collective Grievance

8.1. The investigating officer will provide the relevant Committee with a full report outlining the findings of the collective grievance investigation. The Committee, with Human Resources advice (if necessary), will meet to determine the outcome of the grievance. The investigating officer may be invited to attend the meeting to discuss the findings and address any issues that may arise from their report.

8.2. The Committee may dismiss the collective grievance or may uphold the collective grievance, in full or in part, and will recommend resolutions.

8.3. The Committee will then arrange a collective grievance outcome meeting with the nominated representative and/or trade union representative appointed by the employees raising the collective grievance. This meeting is to confirm their determination and to discuss how any recommendations will be implemented. This meeting will occur within 10 working days of the Committee's determination and a copy of the full report will be provided at this time. The report can be passed to the collective at this point.

8.4. Following the collective grievance outcome meeting or if an alternative date is not offered, within 5 working days of the original date, the Chair of the Committee will inform the nominated representative and/or trade union representative, in writing, of the determination and their right of appeal. All employees within the collective grievance will be provided with a copy of this determination.

8.5. The parties may on occasions, and by mutual agreement, modify the timescales referred to in this collective grievance procedure.

9. Implementation of Grievance Outcome

9.1. If the individual or collective grievance is upheld or partially upheld and recommendations are made to resolve the concerns, then it is the responsibility of the Head Teacher to implement these recommendations and update the employee(s) as to the progress of their implementation. If the grievance is against the Head Teacher, it is the responsibility of the Chair of the Governing Body to undertake implementation and updating of employee(s).

10. Right of Appeal

10.1. An employee has or, in the case of a collective grievance, the group of employees have the right of appeal to the Appeals Committee of the

Governing Body regarding the outcome of their grievance and any resolution offered, and the appeals process as detailed in the School's Appeals Procedure must be followed.

11. Where the Governing Body is the subject of the grievance

11.1. If an employee or a group of employees are raising a grievance regarding an individual member of the Governing Body, then they must address their grievance for the attention of the Chair of the Governing Body.

11.2. Where an employee or a group of employees are raising a grievance regarding the Chair of the Governing Body or whole of the Governing Body then they should do this in writing to the relevant Service Director for schools clearly stating the reasons for the grievance.

11.3. In both situations the matter will be dealt with through the appropriate channels.

12. Overlapping grievance and disciplinary cases

12.1. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the two issues are related it may be appropriate to deal with them concurrently by different investigating officers.

13. Grievance not concluded at the time of employment ending

13.1. Where a grievance has been raised by an employee under the formal stages of the process, but these stages have not been concluded by the time their employment with the school ends, their grievance will be dealt with in accordance with this policy and procedure.

Appendix 1

Grievance Form			
Employee Details			
Surname:		**First Name:**	
School:			
Job Title:			

Please give details regarding your grievance. Please attach any supporting documentation.

Appendix 1

Please detail what attempts have been made to resolve the grievance informally

What resolution do you expect to your grievance?

Signature: **Date:**

Appendix 2

Collective Grievance Form		
Employees' Details		
Name	**Job Title**	**Signature**

Please give details regarding your grievance. Please attach any supporting documentation.

Appendix 2

Please detail what attempts have been made to resolve the grievance informally

What resolution do you expect to your grievance?

Print Name of Nominated Representative/Trade Union Representative:

Date: