

	POLICY TITLE:	Grievance and Disputes Procedure
Kingsmead Academy T/A Kingsmead School		
Committee/Person Responsible for Policy:		Head Teacher Finance, Strategy & Personnel sub-committee
Date Approved by Governing Body:		February 2019
Date of Last Review:		Term 3 2018/19
Next Review Due:		Term 3 2020/21

1. INTRODUCTION

- 1.1 This procedure is based on the ACAS Code of Practice that came into force on 6 April 2009 and all relevant employment legislation and is based upon Somerset County Council's recommended grievance procedure for schools.
- 1.2 It is also based on two of the core values of Kingsmead School – **care and respect:**
The purpose of the grievance procedure is to allow the Governors to deal with any grievances (a concern or complaint relating to employment) fairly, consistently and speedily. The School wants to ensure that when an employee raises a concern or a grievance, it will be dealt with fairly and promptly and an effective conclusion reached.

2. THIS PROCEDURE WILL APPLY TO:

Concerns or complaints relating to an individual's employment. Some examples could include:-

- concern over work relations with other colleagues or manager (but not bullying and harassment) where there is a separate procedure (see below)
- new work practices i.e. working patterns, new systems
- perceived unfair application of school policy or practice
- organisational change
- healthy working environment
- and safety

This procedure will not apply to:

- pay or grading
- capability matters
- bullying or harassment
- redundancy
- ill health retirement
- requests for flexible working
- whistleblowing
- disciplinary matters
- Non-renewal of fixed term contracts

3. METHOD OF OPERATION:

- The employee should be able to express their concern or complaint and explain how they would like to see it resolved.
- The majority of concerns or grievances are best dealt with informally and this should be viewed as the preferred route.
- Mediation can be a very effective way to deal with issues and should always be considered as an option at an early stage.
- Where applicable an investigation will take place which may involve witnesses being interviewed.
- When hearing a grievance, the Headteacher or Governor Committee must consider any investigation report prepared and must see each party to the dispute and exercise discretion as to the most appropriate way forward. This may include speaking to the parties separately or talking to them together.
- Either party may seek adjournments at any time during any meeting.
- The parties may, by mutual agreement, modify the time scales referred to in the grievance procedure or vary the approach where it is agreed by both sides that this would be more conducive to resolving the grievance.
- If the employee is not satisfied with the outcome of the report or hearing, then the procedure can move to an Appeal.

4. PRINCIPLES

Individuals must be reassured that they will not be victimised for bringing a grievance or acting as a witness or companion. If there is an allegation of victimisation against a member of staff by the complainant or witness, the matter will be dealt with through the disciplinary procedure.

All grievances will be handled in confidence. However, there may be circumstances where it will be necessary to advise another employee/person of the nature of any complaint made against them.

The School expects that all grievances are made in good faith. Any employee bringing a grievance, which is considered to be vexatious or malicious, will be dealt with through the disciplinary procedure.

5. THE INFORMAL STAGE

- 5.1 If an employee has a grievance relating to their employment they have the right to express it. In the first instance they should try to resolve the matter by discussion with the colleague concerned informally as this is usually the best way to resolve problems satisfactorily and quickly.
- 5.2 If the grievance is unresolved, they should raise the matter informally with their Line Manager. If the grievance relates to the actions or decisions of the employee's Line Manager, they should raise the matter informally with the Headteacher or, if the grievance is against the Headteacher, the Chair of Governors. The employee may find it helpful to complete the "Employee Concern Form" (see Appendix 1). This form enables the employee to set out the nature of their concerns, and what, if anything, they have done to resolve them, and to describe the resolution they are now seeking. The Line Manager will reply orally to the grievance within five school days and may, at their discretion, confirm the decision in writing.
- 5.3 Although meetings at this stage are informal, the employee may request to be accompanied by a work colleague or work place Trade Union Representative and this should not be unreasonably refused.
- 5.4 If the grievance is about the actions or decisions of a Governors Committee or the full Governing Body, the matter will be dealt with immediately at the "formal stage", otherwise every effort should be made to resolve matters informally where possible.
- 5.5 If, having raised the grievance informally, the employee considers that the grievance has not been resolved to their satisfaction, they have the right to invoke the formal stage.

NB: As a decision to invoke the formal stage would be because the employee regards the unresolved grievance to be significant to their situation at work, it is reasonable for the Governors to expect that the formal stage would be invoked with a minimum of delay. Normally this would be within ten school days of the Line Manager's oral response to the grievance. This time period may reasonably be extended in extenuating circumstances e.g. where the employee is absent from work, or otherwise unavailable for reasons not directly related to the unresolved grievance.

6. FORMAL STAGE

- 6.1 If the employee is dissatisfied with the informal response they can raise the same concerns formally, by registering their grievance in writing to the Head Teacher (or the Chair of Governors if the grievance is against the Head Teacher). This is the first formal stage of the process. See appendix 2 for form to be completed.
- 6.2 The employee should then be invited to a meeting to discuss the grievance (normally within 10 working days) where the grievance will be heard by the Head Teacher, or a panel of 3 governors if the grievance is against the Head Teacher. The employee has the right to be accompanied by a companion (see paragraph 10 re the role of the companion) at this meeting. The

employee and the companion must take all reasonable steps to attend this meeting and where possible should be consulted about the date and time of the meeting. If this is not possible the meeting should be rearranged for a date normally not more than 5 working days after the date originally proposed by the line manager.

- 6.3 Witnesses may be called by the manager or the employee. The employee must be informed in writing of the decision, normally within 5 days of the meeting. The letter should detail any actions that the employer intends to take or, if the grievance is not upheld, explain the reasons for this. The employee should be advised that they have a right of appeal if they remain unsatisfied with the outcome of the grievance hearing and should forward their appeal in writing to the Clerk to the Governors within 10 days of receiving the outcome.
- 6.4 Depending on the complexity of the matters raised the person looking at the grievance may wish to initiate a formal investigation before the grievance hearing occurs. If this is the case any investigation report should be circulated to relevant parties before the hearing to allow a full and considered discussion of the issues. If a formal investigation is required then the grievance hearing should be held as soon as possible after the conclusion of the investigation.
- 6.5 During any investigation it may become apparent that the grievance is best resolved through more informal / other routes or via mediation. In addition the investigation itself may have helped to resolve the grievance. In these circumstances, with agreement, it may be possible to conclude the grievance without progressing to a formal hearing. In these circumstances the outcome should still be communicated in writing.

7. APPEAL STAGE

- 7.1 If the employee is still dissatisfied they can appeal the decision and raise the same concerns with the Chair of Governors. See Appendix 3 for form to be completed. The Clerk to the Governors will, as soon as possible, and in any event within 10 working days, arrange a date for a meeting with the interested parties. As soon as practicable and in any event within 10 working days after this meeting the Chair of the panel will confirm the decision in writing.
- 7.2 As an appeal is the last stage of the procedure, this should always be heard by a panel of Governors.

8. POST EMPLOYMENT GRIEVANCES

- 8.1 Wherever possible a grievance should be dealt with before an employee leaves employment. However, if an employee has already left employment and the grievance procedure has either not been completed or has not been started prior to them leaving, the employee should write to their Head Teacher, Chair of Governors or Chair of relevant sub committee setting out the grievance as soon as possible after leaving employment.
- 8.2 Where a grievance is received after an employee has left employment then the Head Teacher/Chair of Governors should look into the matter and send a written response to this. There will be no right of appeal in these situations.

9. **ROLE OF THE COMPANION**

The companion may be **only** one of the following:

- A fellow employee
- An official employed by a trade union
- A workplace trade union representative who is certified in writing by the trade union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

The companion is permitted to address the hearing in order to:

- Put the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed in the hearing
- Confer with the employee during the hearing

An employee who has agreed to act as a companion is entitled to take a reasonable amount of paid time off to familiarise themselves with the case and to confer with the employee both before and after the hearing.

10. **THE DISPUTES PROCEDURE**

- 10.1 Where a recognised Professional Association/Trade Union is in dispute with the Governing Body, on behalf of its members, regarding a decision taken by the Governing Body, which cannot be resolved in discussions between the Chair of Governors, the Headteacher and the Association/Union representatives, the matter should be referred to the Governors Personnel Committee and then, if appealed, onto the full Governing Body. From the outset the Headteacher or Chair of Governors, should seek advice from the School's HR adviser. Professional Associations/Trade Unions should set out, in writing, the dispute that their members have with the Governing Body. They should also state what resolution they are seeking on behalf of their members.
- 10.2 Where a dispute has arisen out of an attempt to change practices, other than in accordance with normal notice provisions, no change in the arrangements shall take place before the matter has been resolved to the satisfaction of both parties or until the procedures have been exhausted.
- 10.3 If the disputes procedure fails to resolve the issue, it may, by mutual agreement, be referred to, the Advisory, Conciliation and Arbitration Service with a view to conciliation. If the dispute has not been resolved by conciliation, the matter may, by mutual agreement between employer and Professional Association/Trade Unions, be referred to arbitration. The decision shall be final and binding on both parties.

EMPLOYEE CONCERN FORM – for use at the Informal Stage

- If you have a concern relating to your employment, we want to deal with it quickly and fairly. You are encouraged to resolve the issue by talking it through with the person or people concerned before taking formal action.
- Please use this form to write down your concern. Having a written record helps those involved to understand your concern and the resolution that you are seeking.

Personal and Confidential	
RAISING A CONCERN WITH A COLLEAGUE OR YOUR EMPLOYER	
Name:	School:
<p>In your own words, please summarise the issue that is concerning you. Please use an additional sheet of paper if you need to. <i>Please include details such as dates and times, what issue is concerning you, who is involved and what is their relationship to you, e.g. Colleague, Line Manager or Headteacher.</i></p>	
<p>Please state who you have already spoken to about this issue, include brief details of the outcome of these discussions.</p>	
<p>Please describe what resolution you are seeking.</p>	
Signed:	Dated:

You should now pass a copy of this form to your Line Manager or Headteacher or, if the concern is about the actions or decisions of the Headteacher, the Chair of Governors.

GRIEVANCE FORM - Formal

PERSONAL AND CONFIDENTIAL

- If you have a grievance relating to your employment please use this form to write down your grievance. Having a written record helps those concerned to understand your grievance and the resolution that you are seeking.
- If you have difficulty or are uncomfortable in completing this form you can ask to see your Headteacher (or Chair of Governors if the grievance is against the Headteacher) who will be able to help you complete the form. The Headteacher should be the main reference point in School for addressing such concern. However, if the matter relates to the Headteacher then the Chair of Governors should be your point of contact. You may also want to seek help from a work colleague or your Trade Union representative.
- Your Headteacher (or Chair of Governors) will ask to meet you to explain how your grievance will be dealt with in accordance with the Grievance Procedure and will provide you with a copy of it.
- The response to your grievance will be written on this form, discussed and returned to you. (a separate and more detailed letter may be issued by the person or Committee that decides the response to your grievance).
- If you are not satisfied with the response, you have the right to appeal.
- If you wish to provide any documents/statements with this form you may do so.

To: Headteacher/Chair of Governors

From:(Please print)

.....(Job Title)

My grievance is that: Please set out the issue/s. Please use an additional sheet of paper if you need to. You may wish to submit relevant documents in support of your case as you feel are necessary.

Please state who you have already spoken to about this issue: include details of the outcome of these discussions.

Please describe what outcome/s you are seeking:

At any meeting you may be accompanied. If you wish to be so, please tick the appropriate box

A School Colleague of my choice **or** my Trade Union representative

OUTCOME OF FORMAL GRIEVANCE HEARING - Meeting/Hearing

(to be completed by the Headteacher or Governors Committee hearing the grievance)

The outcome of the meeting held on/...../..... (Date) was that

- I/we have upheld the grievance
- I/we have not upheld the grievance
- Some other conclusion

Because:

The agreed actions were:

Signed:.....(Headteacher/Chair of Committee)

Date:.....

(Please return this form to the employee with a copy to the Headteacher)

DECISION BY EMPLOYEE RAISING GRIEVANCE

- I am satisfied with the outcome.
- I am still dissatisfied and have decided to appeal.
- Any other comments (Please use to record all other outcomes, including withdrawing the grievance due to resolution outside this process).

Signed:(Employee)

Date:

(Please return a copy of this form to the Headteacher/Chair of Committee)

GRIEVANCE FORM – Appeal

PERSONAL AND CONFIDENTIAL

To:..... Clerk to the Governors

From:.....(Please Print)

.....(Job Title)

Date:.....

The unresolved issue related to my grievance is that: Please set out the issue(s) and use an additional sheet of paper if you need to. You may submit as many documents in support of your case as you feel are necessary.

OUTCOME OF FORMAL GRIEVANCE HEARING - Appeal

(to be completed by the Chair of the Appeals Committee hearing the grievance)

The outcome of the meeting held on/...../..... (Date) was that

- We have upheld the grievance
- We have not upheld the grievance
- Some other conclusion

Because:

The agreed actions were:

This decision is final

Signed:.....(Chair of the Appeals Committee)

Date:.....

(Please return this form to the employee with a copy to the Headteacher)