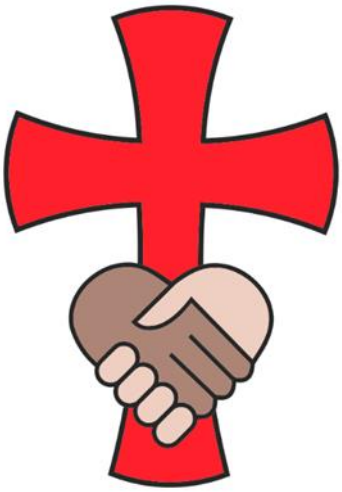
St Matthew's Church of England Primary School



Grievance Policy

This Policy has been formally adopted by the Governing Body of St Matthew's Church of England Primary School on 20th February 2024

Sandwell
Metropolitan Borough Council

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1.0 Introduction

1.1 This Policy is intended to help Governing Bodies fulfil their responsibilities as required by the School Staffing (England) Regulations 2009 by which staff can seek redress for any grievance relating to work at the School. This Policy also follows the principles laid down in the Burgundy Book (for Teaching staff) and the provisions of the Green Book (for other School based staff) and the requirement by which staff are be able to seek redress is met through the adoption of this Policy.

1.2 The Local Authority recommends Schools to adopt this Policy, especially where Sandwell MBC is the employer. This Policy will also be used for Unattached Teachers employed by Sandwell MBC.

1.3 The purpose of this Policy is to promote good people management through the informal resolution of issues where possible, and to ensure that complaints and concerns submitted by employees in the School are properly considered, and brought to a timely resolution as near as possible to their point of origin.

1.4 The process is not exhausted within the School/Council until the appeal process has been completed. To facilitate the aim of reaching an acceptable resolution, it is accepted by Trade Unions, Governing Bodies and the Council that until such time as the process is exhausted, the **status quo** will prevail and that the Trade Unions and their members shall refrain from any industrial action of any kind in support of a matter being dealt with in accordance with this Policy until such time as the process is exhausted.

1.5 Copies of this Policy should be made available to all employees to whom it applies and those either subject to or raising a grievance should on request be provided with a copy of the Schools' Model Grievance Policy Guidance.

2.0 Scope

2.1 This Policy applies to all School based employees (Non-Teaching and Teaching staff, including Headteachers), as well as all employees of Pupil Referral Units (PRUs).

2.2 In cases where allegations are made against the Headteacher, the role normally undertaken by them will be carried out by a nominated Governor (usually the Chair of Governors). Further advice and guidance must be sought from the School's HR provider before any action is taken. References to the Headteacher in this Policy should therefore be adjusted accordingly.

2.3 In PRUs the references in the Policy to Governing Body Committees will mean the Management Committees.

2.4 This Policy also applies to Unattached Teachers who are employed in non-standard settings by Sandwell MBC. Teachers not working in Schools should substitute Headteacher, Chair of Governors and Governing Body Committees for the appropriate delegated authority of line management.

2.5 Employees or trade union representatives cannot raise a grievance on behalf

of a colleague as this is the responsibility of the individual employee.

2.6 A grievance must be lodged within 3 months of the incident to which it relates unless there are exceptional circumstances it will not be considered. In cases of harassment, bullying or discrimination incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months.

2.7 There may be circumstances where an employee raises an issue but sufficient time may not be available to provide proper consideration before they leave employment or an employment complaint is received following their resignation. On receipt of this grievance or written complaint, advice should be sought from the School's HR provider. It may be appropriate in some circumstances to invite the former employee to a meeting to discuss the issue/s further or to issue a written response covering the points raised.

2.8 Should an employee have concerns relating to an issue for which the Local Authority has responsibility and control over then the employee should write to the Director of Children's Services in the first instance.

3.0 Exceptions

This Policy should **not** be used:

3.1 in relation to any issue for which a specific Policy or Procedure already exists, or to appeal against the outcome of a Policy or Procedure that has an integral mechanism for dealing with appeals.

3.2 for any matter relating to an employee's grade, rate of remuneration or other term or condition of service which is regulated by a collective agreement except where the grievance relates to the interpretation or the application of a particular provision to an individual employee and there is no existing specific Policy or Procedure or mechanism for dealing with appeals to which that grievance relates.

3.3 where the grievance is part of a collective dispute, which should be forwarded to the Director of Children's Services in the first instance for consideration and referral to the General Purpose Arbitration Committee.

3.4 for income tax or social security matters.

3.5 for issues concerning the rules of Pension Schemes.

4.0 Definitions

(a) ***Designated Person(s):*** The Designated Person is the Headteacher. However, the Governing Body may agree to delegating authority to the Deputy Headteacher or equivalent to deal with the grievance at Formal Stage 1.

(b) If the matter concerns a Headteacher then the Designated Person is the Chair of Governors.

(c) A Schedule defining the people designated to take the appropriate action as defined within this Policy shall be prepared, updated and agreed between the Governing Body/the Council as necessary and set out in the Schedule of Designated Officers.

(d) ***Representative:*** an employee is entitled to be accompanied at each Formal Stage by an accredited trade union representative or work colleague if they so wish.

(e) ***The Committee:*** means the Committee appointed by the Governing Body with delegated powers to undertake the functions prescribed for a Committee in this Policy and consists of a minimum of 3 members.

(f) ***Appeals Committee:*** means the Committee consisting of a minimum of 3, or equivalent to the number on the Committee. Members of the Appeals Committee should have had no prior involvement in the case.

(g) ***Personal File:*** means that file maintained by and/or for the Director of Children's Services relating to the specific individual concerned.

5.0 General Principles

5.1 The Policy does not form part of the terms of an employee's contract with Sandwell MBC/the School which are provided separately.

5.2 The Local Authority strongly recommends that this Policy must be applied in conjunction with the Schools' Model Grievance Policy Guidance and those affected should on request be provided with a copy of this Guidance.

5.3 Sandwell MBC recognises that any person could be affected by unfair treatment including harassment, discrimination, bullying or victimisation and is committed to achieving an environment free from harassment.

5.4 This Policy takes into account current employment legislation, good practice and the appropriate provisions of the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.

5.5 The requirements of the Equality Act 2010 have been fully incorporated into the Policy. Reasonable adjustments will be considered on request to enable employees to fully participate in the process.

5.6 If a grievance is particularly complex and/or covers a range of issues it may be necessary to appoint an Investigating Officer. The Investigating Officer should be an independent person who has not been implicated nor had any previous involvement in the case. At any stage in the process, following investigations, the Designated Person may invoke an alternative Policy.

5.7 A formal grievance should only be raised where attempts to resolve an issue informally have been unsuccessful. A formal grievance will be accepted only where it can be evidenced that an employee has fully engaged and co-operated in attempts to resolve their grievance informally.

5.8 Employees must be informed of their right to be accompanied by a work

colleague or trade union representative at each Formal Stage.

5.9 Depending on the nature of the grievance it may be appropriate for the matter to be dealt with by mediation. This involves the appointment of a third party mediator who will discuss the issues raised with the key parties and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance mutually agree to this as a means to resolve the issues.

5.10 Employees who submit a grievance are protected from detriment and will not be placed at a disadvantage for exercising or seeking to exercise this right. However, grievances should be submitted in good faith and not be malicious or vexatious and, if there are sufficient concerns this may be case, the matter will be investigated and could result in the individual submitting the grievance being subject to disciplinary action.

5.11 All parties will deal with issues promptly and not unreasonably delay meetings/hearings, decisions or confirmation of those decisions. Timescales may be altered by mutual agreement for operational or availability reasons. It is also recognised that a grievance involving complex issues may necessitate local agreement on longer time limits. Where no such agreement has been reached and the prescribed time limit has not been adhered to the employee(s) or their nominated representative shall be entitled to proceed to the next stage in the process. The point at which the process is entered may also be varied as appropriate by mutual agreement of the employee's representative and the Governing Body.

5.12 Where a meeting needs to be rescheduled, it can normally only be rescheduled once. A new date must be agreed within five working days of the original date. The actual meeting/hearing date need not be within those five days but should be as soon as possible.

5.13 In order to maintain confidentiality and not frustrate the use of this Policy, the grievance should not be divulged to other parties without the prior knowledge (and preferably consent) of the other party unless it becomes apparent the grievance cannot be resolved without discussing the issues with other parties.

5.14 All formal records and copies of correspondence will be retained on the employee's personal file.

5.15 If an employee who is already subject to disciplinary proceedings lodges a grievance relating to that same matter then the grievance will be dealt with through the disciplinary appeals process.

6.0 Complaints of harassment, bullying or discrimination

6.1 The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.'

6.2 Bullying is not specifically defined in law but ACAS (2014) gives the following definition 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'

6.3 If an employee feels they are being harassed/bullied the alleged harasser/bully must be approached and told to stop the unwanted behaviour prior to entering the Informal Stage. If an employee feels they are unable to approach the alleged/harasser themselves they can ask for support from a trade union representative, work colleague or line manager who can approach the alleged harasser/bully on behalf of the employee.

7.0 Informal Stage

7.1 Employees are positively encouraged to engage with their line manager and to make efforts to resolve their grievance at the lowest level before this can be considered as a Formal Grievance. Where this is not possible (i.e. if the nature of the complaint concerns that manager) then it would be appropriate to consider appointing an alternative manager to deal with the matter without delay.

7.2 The line manager should seek to resolve the issues raised by employees at work informally as part of their day to day management responsibilities. The informal process encourages both parties to communicate with one another and to enhance working relationships as necessary.

7.3 To underline the aim of resolving grievances informally and as quickly as possible, employees will not have the right to be accompanied at the Informal Stage.

8.0 Formal Stage 1 (Headteacher/Chair of Governors)

8.1 If the employee considers that the grievance has not been resolved at the Informal Stage, s/he may request formal consideration of his/her grievance by the Headteacher. The request must be made in writing and must specify the grievance within 3 months of the incident to which it relates (unless it relates to harassment, bullying or discrimination in which case incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months).

OR

8.2 If the employee considers that the grievance has not been resolved at the Informal Stage, s/he may request formal consideration of his/her grievance by the Headteacher. The request must be made in writing and must specify the grievance within 3 months of the incident to which it relate (unless it relates to harassment, bullying or discrimination in which case incidents may also be referred to that occurred prior to the 3 months to identify a pattern of behaviour over the last 6 months). Where the Deputy Headteacher or equivalent has had no previous involvement in the case, they may consider the grievance where they have delegated authority by the Governing Body to deal with the matter at Formal Stage 1.

DELETE EITHER 8.1 OR 8.2 AS APPROPRIATE

8.3 However, if the grievance relates to action specifically taken by the Headteacher or a Governor, the request should be passed to the Chair of Governors for consideration. Further advice and guidance must be sought from the School's HR provider before any action is taken.

8.4 Within 7 working days of receipt of such a formal request, the Headteacher will arrange a meeting with the employee and their trade union representative or work colleague as appropriate.

8.5 The employee (and/or representative as appropriate) may make oral representations to the Headteacher. The Headteacher may receive oral representations from other parties where they deem this to be appropriate. The Headteacher will inform the employee in writing of the outcome and any recommendations made. This letter must include the right of appeal should the employee remain dissatisfied with the outcome.

8.6 Where the grievance relates to a) action specifically taken by the Headteacher or a Governor **or** b) delegated authority has been provided to the Deputy Headteacher or equivalent by the Governing Body then references to the Headteacher above should be adjusted accordingly to a) Chair of Governors or b) Deputy Headteacher or equivalent.

9.0 Formal Stage 2 (Staffing Committee)

9.1 If on completion of Stage 1, the employee is dissatisfied with the outcome of the decision taken by the Headteacher/Chair of Governors, s/he may within 7 working days of the date of the written notification of the outcome at Stage 1, request a hearing before the Staffing Committee of the Governing Body appointed for this purpose.

9.2 The employee must put in writing his/her reason for being dissatisfied with the decision taken by the Headteacher/Chair of Governors.

9.3 If such a request is made, the Headteacher/Chair of Governors will arrange a meeting of the Staffing Committee within 15 working days of receipt of the request.

9.4 The Headteacher/Chair of Governors and the employee (and/or representative as appropriate) may make oral representations to the Staffing Committee. The Committee may receive oral representations from other parties where they deem this to be appropriate.

9.5 Before the Staffing Committee considers their decision, the Headteacher/Chair of Governors and the employee (and/or representative as appropriate) should withdraw.

9.6 The Staffing Committee of the Governing Body should consider the Headteacher's/Chair of Governor's written decision, statement from the employee and any oral representations made before coming to a decision.

9.7 The Staffing Committee should consider the grievance and inform both parties in writing of the outcome and of any recommendations made within 10 working days.

9.8 This letter must include the right of appeal should the employee remain dissatisfied with the outcome.

9.9 Where delegated authority has been provided to the Deputy Headteacher or equivalent by the Governing Body and they dealt with the grievance at Formal Stage 1 then references to the Headteacher/Chair of Governors above should be adjusted accordingly.

10.0 Formal Stage 3 (Appeals Committee)

10.1 If on completion of Stage 2, the employee remains dissatisfied with the outcome of the decision taken by the Chair of the Staffing Committee, s/he may within 10 working days of the date of the written notification of the outcome at Stage 2, request a hearing before the Appeals Committee of the Governing Body appointed for this purpose.

10.2 The employee must put in writing his/her reason for being dissatisfied with the decision taken by the Chair of the Staffing Committee.

10.3 If such a request is made, the Chair of the Staffing Committee will arrange a meeting of the Appeals Committee within 15 working days of receipt of the request and prepare a written response for presentation to the Appeals Committee.

10.4 The Chair of Staffing Committee and the employee (and/or representative as appropriate) may make oral representations to the Appeals Committee. The Appeals Committee may receive oral representations from other parties where they deem this to be appropriate.

10.5 Before the Appeals Committee considers their decision, the Chair of the Staffing Committee and the employee (and/or representative) should withdraw.

10.6 The Appeals Committee of the Governing Body should consider the Chair of the Staffing Committee's written response, any written statements and any oral representations made to them before coming to a decision.

10.7 The Appeals Committee should consider the grievance and inform both parties in writing of the outcome and of any recommendations made within 10 working days.

10.8 The decision of the Appeals Committee is final and exhausts the internal process.