



*'Individual Growth, Individual People'*

Head Teacher: Mrs M A Tyers

# Grievance Procedure for School Staff Policy

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# GRIEVANCE PROCEDURE FOR SCHOOL STAFF

## INTRODUCTION

1.0 The purpose of this document is to provide schools with:

a) A recommended school grievance procedure which comprises:

- Stage One – Informal procedures
- Stage Two – Formal Stage – Grievance Meeting
- Stage Three – Formal Stage – Governors’ Appeal Hearing

b) Guidance on the resolution of disputes in the school and the management of grievance

c) Toolkit containing appendices to support Governing Bodies to manage grievance complaints

1.1 The Education (School Staffing) (England) Regulations 2003 require Governing Bodies to establish procedures for giving members of staff the opportunity of seeking redress for any grievance relating to their employment. The Governing Body must establish such procedures and make them known to staff. This document will apply to all staff, including apprentices directly employed by the school. A copy of the school’s adopted procedure should be made available to all new employees when they commence employment and be freely available to all staff including apprentices, supply and other temporary staff.

1.2 Advice on procedural matters and counselling support for employees is available from the HR Service, who can also arrange for any legal advice to be made available to the Head Teacher or the Governing Body as appropriate

### 1.3 **Advice, support and Training**

It is the responsibility of the head teacher to ensure that all relevant senior leaders understand their role and have access to appropriate support, advice and training in the application of these procedures. The head teacher should also ensure, in conjunction with the chair of Governors and the training co-ordinator, where appropriate, that in discharging their duties and responsibilities, governors have access to support, advice and training as appropriate.

1.4 Due to the complexities of this area of employment and education law, Governing Bodies are strongly advised to adopt the attached procedure without amendment and seek advice on individual cases from the HR Service. If an academy or other school outside the control of Nottinghamshire County Council adopts this procedure, references to the council as employer will need to be replaced by the name of the employing body/Trust. Similarly, references to the Education Improvement and HR Service will need to be amended unless there is a service level agreement in place with those services to cover this work. Should, exceptionally, the governing body of a school maintained by Nottinghamshire County Council seek to amend the recommended policy, it will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing bodies are strongly recommended to seek advice from the HR service in these circumstances.

- 1.5 Article 6 of the Education (Modification of Enactments Relating to Employment) Order 2003 provides for a Governing Body to be the respondent in relation to any application to an employment tribunal arising from a grievance. In law, the Local Authority is the employer for community and voluntary controlled schools, and will therefore be primarily responsible for the payment of any compensation order by an employment tribunal in respect of a finding relating to a grievance. Governing bodies are reminded that for those schools which purchase an annual HR package, specialist support to defend any employment or court proceedings arising from the application of employment processes will be made available so long as advice from the County Council HR service has been sought and followed. A failure to seek and follow this advice at each stage of the process may lead to the legal support and insurance cover being nullified.
- 1.6 The Grievance procedure must not be used by an employee to frustrate other action already being taken under other procedures e.g. disciplinary (conduct or capability), attendance management or reductions in staffing.
- 1.7 There is no legal requirement to postpone a disciplinary process, in order to deal with a grievance raised by the employee.
- 1.8 Where a grievance is raised regarding a disciplinary procedure, or about the lead up to a disciplinary procedure, the employer can consider if it is appropriate to deal with the grievance as part of the disciplinary process.
- 1.9 Where the grievance is unrelated to the disciplinary action, an employer can run the two procedures in parallel.

## **Equalities and Equal Opportunities**

- 2.0 The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 2.1 The governing body is aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the school.

## **Aims of the Policy**

- 3.0 The aim of the School Grievance procedure is to provide a means by which school employees can resolve disputes or address complaints and grievances relating to their employment. However, if the complaint is not capable of redress by the Governing Body other procedures may need to be followed ([see Other Complaints, page 15](#)) There are also particular circumstances which will require the complaint to be addressed in either a different manner from the standard procedure or through other procedures for example harassment, bullying and discrimination. These are detailed in [Other Complaints, page 15](#). If there is doubt about the appropriate procedure to follow, advice should be sought as soon as possible from the HR Service. The employee may also wish to consult their trade union to ensure the matter is raised in an appropriate manner at the outset. All parties must be advised to maintain confidentiality throughout the process of resolving the grievance.

## Complaints involving the Head Teacher

- 4.0 Where a grievance is raised by the Head Teacher the procedure outlined in [Section 11, page 13](#) should be followed.
- 4.1 Where the Head Teacher is the subject of the grievance, the governing body of the school, normally the Chair of Governors, will need to consider how this will be managed. Initially, the aggrieved employee should inform the chair of governors or other appropriate governor (e.g. complaints governor) who should ask for the full details of the grievance to be confirmed in writing. The chair of governors should immediately contact the schools' nominated HR Business Partner from the HR Service, to discuss and agree how to proceed. It will also be necessary to confirm that the complaint is within the scope of the grievance procedure rather than, for example, the harassment procedure or recruitment appeal. The chair of governors should inform the head teacher that the complaint has been made, giving brief details only at this stage. The Head Teacher should also be advised to contact their trade union for advice and support and may also contact the HR Service for information and support as appropriate. Both parties must be advised to maintain confidentiality throughout the process of resolving the grievance.

## Complaints from a Former Employee

- 5.0 There may be circumstances where a former employee or an employee leaving a school may raise a grievance complaint that requires further investigation and time may not allow for an appropriate investigation of the issue to take place before they leave. In these circumstances, a current employee should set out their grievance complaint immediately and a former employee should send in the written complaint to the Head Teacher normally within 2 weeks of leaving employment (if the complaint is against the Head Teacher, then it should be directed to the Chair of Governors). On receipt of the written complaint, advice should be sought from the HR Service.
- 5.1 Following the repeal of the statutory dispute resolution procedures, there is no provision for grievances to be dealt with under a formal grievance procedure, where the employment has ended. However, consideration should be given to the most appropriate way of responding to such complaints and advice should be sought from the HR service. The Head Teacher or Chair of Governors will need to consider the issues raised and having done so and depending on the circumstances, it may be appropriate either to respond in writing to the complaint, or to invite the former employee to a meeting to discuss the issue further.

## Monitoring and Review

- 6.0 Where changes to this policy are proposed the governing body will undertake an Equality Impact Assessment (EQIA). The governing body will make available to staff the outcomes of the Equality Impact Assessment.
- 6.1 The governing body will monitor the outcomes and impact of this policy annually. As part of this review it will monitor trends on which groups of staff are affected, the school's continued compliance with equalities legislation and the provisions of the STPCD, the Burgundy Book and the Green Book – NJC Conditions of Service.

## **Consultation and Agreement with the Recognised Trade Unions**

- 7.0 The Nottinghamshire School Grievance Policy and Guidance is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.
- 7.1 This document has been agreed by the [Nottinghamshire recognised trade unions](#). It also fulfils the requirements of the Employment Act 2008 and ACAS Code of Practice on discipline and grievance.

## THE SCHOOL GRIEVANCE PROCEDURE

### Stage One – Informal Stage

- 8.0 These procedures recognise the need to resolve grievances as promptly, efficiently and as close to their original source as is possible. It is, therefore, recommended, that in most cases, employees should aim to settle grievances informally through their immediate manager. This could be a Head Teacher, Deputy Head Teacher, Assistant Head Teacher, Head of Department or other appropriate senior leader. However, whilst every effort should be made to resolve the matter promptly, it is important for the manager to reassure the employee that the grievance will be treated seriously and be given appropriate consideration.
- 8.1 In the first instance, therefore, the employee should discuss the issues informally with their immediate manager. Where the grievance directly involves the employee's immediate manager, it may be more appropriate to raise the matter with another senior member of staff or within the next level of management at the school. Where a grievance **involves or is against the Head Teacher**, the matter should be raised with the Chair of Governors who would then assume the role of the Head Teacher / manager as described below. Where the complaint is against the Head Teacher please see [page 4](#).
- 8.2 During the **informal** stage of these procedures:
- the Head Teacher or Chair of Governors (where the complaint is against the Head Teacher) should immediately seek support and guidance from the HR Service
  - the employee has the right to be accompanied by their Trade Union representative or colleague.
  - the Head Teacher/senior leader/Chair of Governors should explain their role within the procedure.
  - the employee should set out their grievance in writing and will be given every opportunity to state their grievance in their own way.
  - the employee will explain the remedy they are seeking.
  - the Head Teacher/senior leader or Chair of Governors should seek to clarify any uncertainty around the facts and issues raised by the employee.
  - the Head Teacher/senior leader or Chair of Governors will explore any options with the employee that may lead to a satisfactory resolution. In some cases it may be appropriate to seek advice or involve other parties e.g. HR Service and /or other LA officers and advisers.
  - a note will be made of the key issues explored at the meeting and any agreed actions to be taken which should be circulated to all parties.
- 8.3 It may be agreed that the nature of the grievance is such that the involvement of a third party (for example another senior leader or external adviser with counselling/mediation skills) might assist in resolving the matter. The use of a third party to help mediate or facilitate a solution is dependent on the agreement of all persons affected by grievance. Such **mediation/facilitation** should then



be conducted over an agreed timescale after which the situation will be reviewed and a decision made as to whether the matter is now resolved. (See [Grievance Mediation, Appendix 10](#) for further guidance on mediation).

- 8.4 If the circumstances giving rise to the grievance require consultation with other members of staff or governors, for example, the grievance is about another employee, the investigating officer should arrange to meet them informally to obtain any necessary information about the complaint prior to this informal grievance meeting with the aggrieved employee. [Appendix 3](#) can be used to communicate the issues to the employee against whom the grievance is raised.
- 8.5 At this informal stage, the aim is for the Head Teacher/senior leader/Chair of Governors, to gain a full understanding of the complaint and discuss strategies for resolving the issue. The intention is to provide a mechanism for resolving the grievance informally through the creation of an atmosphere that is conducive to the employee and Head Teacher/line manager/Chair of Governors, speaking freely about the circumstances which gave rise to the grievance. The principle objective of the meeting is to facilitate an agreed resolution to the particular dispute so it will be important for a positive and sustained effort to be made by all parties to try to reach such an agreement.
- 8.6 If it is not possible to resolve the issue through the informal process or mediation the complainant should then submit details of their **formal grievance** in writing to the Head Teacher or Chair of Governors as appropriate within 5 working days of the informal outcome or completion of the mediation process. Complaints received after this timescale will be out of time. This formal grievance should specify the exact nature of the grievance, including full details of relevant dates, times, events, witnesses etc and importantly a re-statement of the remedy sought by the employee. To assist with this, [Appendix 1](#) can be used or adapted by schools as appropriate. Receipt of this will be confirmed by the Head teacher / Chair of Governors who will also confirm the formal procedures will now begin in order to resolve the issue and acknowledge receipt of the complaint within 5 working days of the written notification. See [Appendix 2](#).

## **Stage Two – Formal Stage**

- 9.0 Grievance Meeting. Following receipt of the written notification of the formal grievance complaint the Head Teacher / Chair of Governors will convene a Stage Two grievance meeting to consider the matter with all the parties involved and the trade union representative or colleague. The purpose of this meeting will be to discuss the nature of the grievance, possible ways forward and resolution. Where practicable this will be held within 15 working days of formal notification of the grievance or as soon as possible thereafter with agreement from all parties. However, where a formal investigation needs to be conducted, prior to the Stage Two meeting taking place, a timescale will need to be agreed with all parties to ensure this is undertaken before the meeting takes place. (See section below).
- 9.1 Grievance Investigation. In some cases, prior to any formal grievance meeting, a full formal investigation may need to be undertaken to obtain all relevant information surrounding the grievance and to facilitate a reasonable decision on

how to resolve the complaint. In order for the Head Teacher to hear the case at Stage 2, the school will need to appoint an appropriate person to conduct the investigation and to act as presenting officer, should this be necessary. At the outset, the person undertaking the grievance investigation should agree and refine with the complainant, the fundamental issues of the complaint, rather than proceed unnecessarily with a full and detailed investigation into every issue raised by the complainant. The Head Teacher /Chair of Governors may delegate the role of investigating officer to a senior leader or other governor who has not had any prior involvement in the case. In exceptional circumstances the school may wish to consider whether a member of the HR Service could undertake this role on behalf of the Governing Body for which an appropriate rate will be charged. To enable the process to move ahead swiftly and resolve the grievance at an early stage, it should normally be appropriate for a Head Teacher to hear the case at Stage Two of the procedure, even where they have been involved in discussions at the informal stage of the procedure. This is because the Head Teacher could reach a different conclusion, in the light of further evidence arising from an investigation. The investigation will aim to be completed within 20 working days or as soon as possible thereafter with agreement from all parties.

**Appendix 11 is an Investigation Template document that schools may find useful to complete at the start of the formal process.**

9.2 To investigate the grievance the investigating officer may need to:

- ensure the employee is provided with a copy of the grievance procedure
- ensure that the employee has provided a full written notification of the formal grievance complaint within the stated timescale (5 days from receipt of the outcome of the informal stage)
- where necessary, arrange a further separate meeting with the aggrieved employee to discuss in detail the reason for the complaint and to clarify the main issues for investigation.
- interview other members of staff as witnesses to the grievance
- ensure any member of staff being interviewed as part of the investigation is aware that they have the right to be accompanied by a Trade Union representative or colleague.
- ensure that all witnesses agree and understand that their evidence and their interview is conditional on their agreement to this information being made available to the Grievance Panel and that they may be required to explain in their witness statement/evidence by giving evidence in person at a formal hearing or meeting of the governing body.
- take full notes of any investigatory interviews and share with the person making the statement who will be asked to confirm that they represent an accurate account or indicate any amendments they would wish to make.
- ensure all statements are signed.

9.3 The investigating officer should prepare a formal written report for the Stage 2 Formal Hearing. The report will be supported by references to documentary evidence gathered as part of the grievance investigation. The evidence should be labelled and included as appendices. **Appendix 12 is a report template which schools may find useful.** The report and appendices should be

circulated to the Head Teacher/Chair of Governors, the HR Business Partner advising, the aggrieved employee and their representative at least 5 working days in advance of the meeting. In the report, the investigating officer should provide a summary of the facts of the case. This should include a response to the specific details of the stated grievance, documents, interviews and any other relevant material relevant to the investigation and the remedy sought.

- 9.4 Arranging the Grievance Meeting. A formal Grievance Meeting will then be arranged by the school to fully consider the outstanding grievance complaint. The timing, planning and arrangements for the meeting should be carefully considered. Normally such meetings will be held during the school day. Consideration will also need to be given to the provision of a suitable room in which to comfortably accommodate all those attending the meeting or waiting to give evidence.
- 9.5 A minimum of 10 working days notice of the Formal Grievance Meeting must be given in writing to the employee and their TU representative or colleague. It will be important, therefore, to make the arrangements in consultation with all parties i.e. TU representatives, witnesses, and HR Business Partners to ensure their attendance as appropriate.
- 9.6 The aggrieved employee is entitled to be accompanied at the meeting by their Trade Union representative or colleague and the meeting should be arranged to accommodate this. Account may need to be taken of the rights of the trade union representative to seek an alternative date within 5 days of that proposed, in line with the Trade Union and Labour Relations Act, if the TU representative is unable to attend on the stated date.
- 9.7 The investigating officer, as management representative, will attend to present the investigation report to the Head Teacher/Chair of Governors. The parties concerned will make their submissions to the Head Teacher/Chair of Governors and either party may call witnesses as required. The Head Teacher/Chair of Governors should invite officers of the HR Service to advise as appropriate.
- 9.8 The meeting notification letter, along with the investigation report and written submissions, correspondence, details of witnesses, witness statements or other papers relevant to the grievance, which either the aggrieved employee or the manager who previously considered the matter intend to rely on at the meeting should be circulated no later than 5 working days before the meeting to all parties.
- 9.9 The Head Teacher/Chair of Governors should be advised by a Business Partner from the HR Service; it will be important to ensure that an officer is available to attend, before the paperwork is sent out and the arrangements are finalised by the school. The school should also ensure that a suitable person is available to take notes throughout the meeting.
- 9.10 Grievance Meeting Procedure. The hearing should be conducted in line with the framework shown in [Appendix 13, Order of Events](#). However, as the aim is to achieve a mutually acceptable resolution the chair may, with the agreement of all parties, wish to engage in a more flexible discussion and dialogue to facilitate this.

## Outcomes

- 9.11 There are a number of possible outcomes of the Stage Two Grievance Meeting:
- a) A decision to uphold the grievance, based on further exploration of the complaint. This will mean that arrangements must be made for the employee's desired remedy to become effective or alternative strategies are agreed to resolve the dispute.
  - b) A decision that, following full consideration under Stage Two of the procedure, the grievance is unsubstantiated. The written outcome sent to the employee, should, therefore, include details of the employee's rights to invoke Stage Three of the Grievance Procedure should their grievance not be resolved.
  - c) If, following both the Stage One informal procedures and Stage Two formal procedures it has not been possible to resolve the matter or the complainant is not satisfied with the outcome, the complainant should inform the Head Teacher in writing, within 5 working days of the outcome of the Stage Two Meeting, that they wish the matter to be addressed by a Governors' Appeal Panel in line with Stage Three of the procedures. An appeal received after this timescale will be out of time. The employee should state, in writing, the reason for the appeal and confirm the remedy sought. Advice and guidance should again be sought from the HR Service at this stage. Where the Head Teacher is involved or implicated in the grievance, the Chair of Governors should seek immediate advice from the HR Service regarding the management of the next stage of this procedure.
- 9.12 If the decision is to fully or partly uphold the grievance, this will normally involve arrangements being made either for the employees' desired remedy to become effective or for alternative resolutions to be agreed and implemented. In arriving at their decision and depending on the nature of the case, the Head Teacher/Chair of Governors may also wish to consider whether there are other implications arising from the case e.g. whether it would be appropriate to consider disciplinary proceedings against any of the individual(s) involved, review relevant school policies and/or procedures etc. If it becomes apparent that the grievance has been of a malicious or vexatious nature, the Head Teacher/Chair of Governors should also consider whether it is appropriate to deal with this under the school's disciplinary procedures.
- 9.13 In exceptional cases, if the Head Teacher/Chair of Governors decide that further information is required from either party, the HR Business Partner or further witnesses, an adjournment may be arranged for a mutually acceptable date and time. This also needs to take into account the rights of the Trade Union representative to be available and to seek an alternative date within 5 days, in line with TULRA.
- 9.14 The decision and any remedy will normally be conveyed verbally to the employee at the end of the meeting. However, where complex issues are being addressed it may be necessary for the Head Teacher/Chair of Governors to reconvene within an agreed timescale to conclude their deliberations. Once the

decision has been given verbally, it will be confirmed clearly in writing within 3 working days giving the right of appeal to the complainant if they consider that their grievance has not been remedied.

### **Stage Three - Appeal Stage**

- 10.0 Right of Appeal. The third and final stage of the grievance procedure is an appeal to a panel of governors. If the employee wishes to exercise their right of appeal against a decision of the Grievance Panel they must notify the Head Teacher or Chair of Governors of this in writing within 5 working days of receipt of the outcome letter, following Stage 2. The written notification must re-affirm the nature of the grievance, the remedies sought and include the grounds for an appeal.
- 10.1 Arranging the Appeal Hearing. The appeal will be heard by a Governors' Appeal Panel. This should comprise of 3 governors who have had no previous involvement with the case. The grievance investigation report will be presented by either the Head Teacher/Chair of Governors or investigating officer who attended the Stage Two Meeting, against which the appeal is made. An officer from the HR Service should be requested to advise the governors but will not be part of the panel. Either party may ask relevant witnesses to attend and give evidence. Time off will be granted for witnesses to attend the meeting.
- 10.2 The appeal meeting should be convened within 15 working days of the written notification of the appeal. A minimum of 10 working days notice of the time and date of the hearing must be given to all parties. It will be important, therefore, to arrange the appeal in consultation with all parties i.e. TU representative(s), witnesses, governors and HR Business Partner, to ensure their attendance as appropriate.
- 10.3 Consideration will need to be given to the location of the appeal hearing in order to comfortably accommodate all parties involved or any witnesses waiting to give evidence at a formal meeting or hearing.
- 10.4 Information relevant to the resolution of the grievance complaint, including statements of case, written submissions, correspondence or other papers relevant to the grievance, which either the aggrieved employee or the Head Teacher/Chair of Governors or senior leader who investigated the matter at Stage Two, intend to rely on at the meeting, should be circulated to all parties no later than 5 working days before the appeal hearing. These papers should include the written conclusions of the Stage Two Meeting.
- 10.5 The complainant's statement of case should reiterate the grounds for their appeal and the outcome sought at the time of the notification of appeal. It should also include written details of any witnesses to be called.
- 10.6 Advice to the Governors' Appeal Panel will be available from the HR Service who will ensure that the officer advising the panel has had no previous involvement in the case in line with the LA protocol for such hearings.

- 10.7 Procedure for the appeal hearing. The hearing will be conducted in line with the order of events shown in [Appendix 13](#).
- 10.8 Outcomes of Appeal Hearing. The Governors' Appeal Panel has the power to dismiss the appeal or to fully or partly uphold the appeal. Where the appeal is upheld in part the Panel may need to modify the original decision and any recommendations or take other appropriate action. This will often mean subsequent arrangements being made for the employees' desired remedy to become effective. In arriving at their decision and depending on the nature of the case, the Panel may also wish to consider whether there are any implications arising from the case e.g. whether it would be appropriate to consider disciplinary proceedings against any of the individual(s) involved, review relevant school policies and/or procedures etc.
- 10.9 The appeal process is the last stage of the Grievance Procedure and its decision is final.
- 10.10 The Appeal Panel will normally communicate the outcome to the employee verbally at the end of the appeal. This should be followed up in writing within 3 working days.

#### **GRIEVANCES RAISED BY THE HEADTEACHER**

- 11.0 The principles of the procedures to address a Head Teacher's grievance complaint mirror those in the standard procedures. However, the matter will need to be addressed by members of the governing body at an earlier stage in line with the summary below. The role of the Head Teacher in the standard procedures will also need to be taken by an appropriate member of the Governing Body. Advice should, therefore, be sought from the HR Service as soon as possible regarding the management of the grievance procedures in these circumstances.
- 11.1 It is acknowledged that there may be practical difficulties, such as where the grievance complaint relates to an external party to the school, such as the Local Authority or one of its employees. In this situation, the Head Teacher should refer the matter in writing to the Strategic Director for Children, Families and Cultural Services, giving full details of the complaint and desired outcome. The strategic Director for Children, Families and Cultural Services, or their representative, should reply in writing as soon as possible and in any case within ten working days. The written response will include, where required, arrangements for the grievance to be heard by a nominated senior officer of the LA as well as any separate appeals procedure that may be required.

## **Stage One – Informal Procedure**

- 11.2 Where a Head Teacher has a grievance, he or she should first endeavour to resolve the matter informally by direct approach to the person concerned. They may, of course, seek personal support from their trade union or colleague at this stage and, if necessary through the formal stages. They may also choose, at this informal stage, to inform the Chair of Governors, depending on the nature of the complaint.

## **Stage Two – Formal Grievance Meeting**

- 11.3 If the grievance is still unresolved, the Head Teacher may, within five working days, notify the Chair of Governors or other governor as appropriate, giving full details of their grievance and desired outcome in writing. A Governors Grievance meeting will then need to be convened in line with the school grievance procedures and an investigatory officer appointed if appropriate.
- 11.4 The Grievance should be heard by the Chair of Governors, or other nominated governor as appropriate. An HR Business Partner from the HR Service should be invited to attend in an advisory role as appropriate. The decision of the Stage Two Grievance Meeting should be confirmed in writing within 3 working days.

## **Stage Three - Governors' Appeal Hearing**

- 11.5 If the Head Teacher remains dissatisfied with the outcome of the Stage Two Meeting, he or she may lodge an appeal in writing within 5 working days of the receipt of written notification of that decision. A Governors' Appeal Hearing will then need to be convened in line with the school grievance procedures. The appeal notification from the Head Teacher should reaffirm the nature of the grievance complaint, the remedies sought and specify the grounds for appeal against the initial decision reached at Stage Two.
- 11.6 The Governors' Appeal Panel should comprise 3 governors who have had no prior involvement in the case. Again, an HR Business Partner from the HR Service should be invited to attend in an advisory role. The decision of the appeals committee shall be confirmed in writing within 3 working days and is final and binding under this procedure.

## **OTHER COMPLAINTS**

### **Complaints raised by employees specifically related to their conditions of service.**

- 12.0 Conditions of service for teachers and support staff are derived from a variety of national and local agreements and would not always be capable of redress by the Governing Body. Where, exceptionally, an employee has a grievance relating to their conditions of service as established by the Local Authority and which is not subject to the delegated responsibility of governors, the employee should, in the first instance, provide full details of their grievance in writing to the Governing Body. The Governing Body should then refer the matter to the Strategic Director for Children, Families and Cultural Services. The Strategic Director for Children, Families and Cultural Services, or their representative, should then respond in writing as soon as possible and in any case within ten working days. The written response will include, where required, arrangements for the grievance to be heard by a nominated senior officer of the LA and, where necessary, the matter would then be referred to an LA officer appeals panel in line with County Council procedures.

### **Complaints against the Governing Body i.e. relating to pay, conditions of service or other employment matters**

- 12.1 If the grievance arises from actions or decisions taken by the Governing Body the Head Teacher will initially seek to resolve the grievance informally, using Stage One of the procedure. This will involve discussions with the Chair of Governors or the nominated complaints governor. If it is not possible to resolve the complaint informally the formal stage will need to be implemented.
- 12.2 Complaints arising from pay or grading determinations made by the Governing Body should be dealt with under the pay appeal mechanism specified within the School Pay Policy and, attempts should first be made to resolve the matter informally before the formal procedure is implemented.
- 12.3 If the complaint is about the conduct or behaviour of an individual governor or governors, the procedure followed will be dependent on who is complaining and the nature of the complaint. If it is a complaint made by a Governor against another Governor, the Governing Body should consider the complaint in the context of the Code of Conduct for governors adopted by the school. A parent raising a complaint against a Governor should access the School's Complaints Procedure. A member of staff raising a complaint against a Governor should use the Grievance Procedure (in this scenario, both member of staff and Governor would be entitled to HR support) with efforts being made to resolve the complaint informally, in the first instance, before elevating to the formal stage, if necessary. In all cases it would be the Governing Body who investigate the complaint and make the decision.

### **Complaints Which Relate To Bullying, Harassment or Discrimination**

- 12.4 Exclusions from the grievance procedure include employee complaints where bullying, harassment or some form of discrimination may be involved. Such



complaints are, by their nature very sensitive and can be difficult to resolve. Inter-employee complaints where some form of discrimination or bullying is involved will be covered in the separate guidance on harassment procedures.

- 12.5 Where employees consider that they have been subjected to bullying or harassment at work, they should make a complaint under the school's Harassment Procedure. The harassment could be on the grounds of the protected characteristics as outlined in the Equality Act 2010, which are: race, sex, sexual orientation, gender re-assignment, disability, religion or belief, age, marriage and civil partnership, pregnancy and maternity or some other cause. If there is doubt about the appropriate procedure to be followed, advice can be obtained from the HR Service or the appropriate Trade Union.

### **Complaints which may constitute "Whistleblowing"**

- 12.6 This grievance procedure is not intended to apply where an employee is seeking to make a complaint which would constitute a protected disclosure within the meaning of the Public Interest Disclosure Act 1998. The provisions in PIDA will always take precedence. This effectively gives the employee the right to choose whether to raise a concern as a grievance or as a protected disclosure. In such cases advice should be sought from the HR Service or the appropriate Trade Union.
- 12.7 Where an employee has a belief and concern that wrong doing may be taking place at work (for example fraud, theft, negligence) they have the rights of the Public Interest Disclosure Act 1998 to protect them should they make a complaint. The [Schools' 'Whistleblowing' Procedure](#) describes how such a complaint may be made and details the rights and protection afforded to employees who choose to use it. A copy of this can be found on the Schools Portal under Policies and Procedures/Whistleblowing.

# **Nottinghamshire School Grievance Procedure**

## **GUIDANCE**

## **FOR HEADTEACHERS AND GOVERNING BODIES**

**November 2015**

## GUIDANCE ON MANAGING THE GRIEVANCE PROCEDURE

### Principles

- 1.0 This procedure encourages the parties involved to explore all reasonable means of resolving disputes informally. In this respect, the school culture and ethos should aim for open communication between employees and their managers to ensure that concerns, queries and problems arising in the workplace can be aired and resolved promptly and to the satisfaction of all concerned. However, it is accepted that this is not always possible and therefore the formal process should be implemented where informal efforts have failed to resolve a grievance satisfactorily or are inappropriate.
- 1.1 Any dispute or grievance should be dealt with as quickly as circumstances allow. The procedure establishes **timescales** which facilitate prompt resolution of the grievance. Whilst these should be adhered to wherever possible, they may, exceptionally, be varied by mutual agreement. If the complexity of the case or other difficulties occur which mean that the agreed timescales cannot be met, the aggrieved employee should be informed and a new timescale should be agreed as appropriate with all parties.
- 1.2 The Grievance Procedure should normally be **followed sequentially** although there may be occasions when the grievance is sufficiently serious to warrant consideration under the formal stages of the procedure immediately.
- 1.3 The opportunity exists within both the formal and informal stages of the procedure for consideration of **mediation** i.e. the involvement of an impartial third party to assist in resolving a grievance ([See Grievance Mediation, Appendix 10](#)). If this is deemed appropriate, the mediator should be agreed by all parties including the Trade Unions. There may be occasions where it will be necessary to enlist specialist support to assist with particular problems in schools. Where mediation has been agreed this will not prejudice the right of the employee to continue the grievance procedure if a resolution is not achieved by this means and there are grounds to proceed.
- 1.4 The object of the procedure is to enable grievances to be settled as quickly and as near to their origin, as possible and the procedures aim to resolve most grievances at the informal stage, employees have the **right to be accompanied** (by a trade union or work colleague) at any stage of the Grievance Procedure.
- 1.5 **Records** should be kept by the school of all grievances raised, the employer's responses, any actions taken and the reasons for such actions. Such records must be kept confidential and retained in accordance with the provisions of the Data Protection Act 1998. Notes should be taken at all meetings, whether formal or informal, and shared with all parties directly involved.
- 1.6 Consideration will need to be given to the **location of any meetings** in order to comfortably accommodate all parties involved or any witnesses waiting to give evidence at a formal meeting or hearing.
- 1.7 In appropriate circumstances Head Teachers may consider temporary **redeployment** or the **suspension** of one or more employees involved with a

grievance. Before taking such action advice should be sought from the HR Service. Further guidance on suspension is given in the Disciplinary Procedure for School Staff – Part A1 available on Wired / HR Guidance (Schools) Community.

- 1.8 If a grievance is raised about the implementation of any other procedure, or about the lead up to the implementation of another procedure, consideration will be given as to the most appropriate way of dealing with it. Advice should be sought from the HR service. In the vast majority of cases, it will be appropriate to deal with the grievance as part of the original procedure i.e. at a hearing or appeal under the original procedure. Where the grievance is unrelated to the original procedure the two procedures can run in parallel.
- 1.9 It should be noted that there is no recourse to the grievance procedure if an employee is dissatisfied with the outcome of other procedures, rather than their management or implementation, where there is already a right of appeal as, for example, in the disciplinary, attendance management or redundancy procedures.
- 1.10 In raising a grievance, the governing body should ensure that there is no victimisation of the employee or anyone involved in the complaint or its resolution. There should be no fear of victimisation by the employee.
- 1.11 Those responsible for resolving a grievance should consider carefully if there are any conflicts of interest which indicate they should withdraw from involvement in the case. Similarly, an employee who has cause to believe that anyone responsible for resolving the grievance has an undeclared conflict of interest should make this known immediately and may use the Grievance Procedure to challenge their continued involvement. However, it is expected that such concerns would be raised at the outset unless the difficulty only becomes apparent during the process. Where mediation has taken place, it will be important to ensure no inappropriate information relating to the mediation process is submitted as evidence at a later stage and that the role of the mediator is not compromised ([See Grievance Mediation, Appendix 10](#)).
- 1.12 Please see [Other Complaints, page 15](#) for guidance on 'Whistleblowing'.

## **Roles and Responsibilities**

- 2.0 When dealing with a grievance, it is important to establish at the outset who will undertake the necessary roles and responsibilities under this procedure. This must then be communicated to all parties to avoid any misunderstandings or possible conflicts of interest.

## **The Employee**

- 2.1 The essence of a grievance is that an employee has a complaint or dispute which remains unresolved and is seeking for that to be remedied. Before instigating the formal grievance procedures, employees are normally expected to raise any such concerns, queries and problems informally with their

immediate manager. The procedure should not be used as a general vehicle for expressing dissatisfaction. The formal grievance procedure requires the aggrieved employee not only to set out clearly in writing the grounds of the grievance at the outset, but also the desired outcome.

- 2.2 The opportunity to raise a grievance is an important feature of an employee's contract of employment. The provisions of the Grievance Procedure should be respected and not taken lightly or abused and employees should be aware that vexatious allegations could result in disciplinary action being taken against them.

### **Head Teacher/Chair of Governors/Senior Leader**

- 2.3 The precise role of the Head Teacher should be determined on a case by case basis and should be clarified to all parties at the outset. In many situations the Head Teacher will have a key role in facilitating an informal resolution to a grievance received in the school. However, in some cases it may be more appropriate at the informal stage for this role to be delegated to another appropriate senior leader or governor. This would then allow the head teacher or Chair of Governors to hear the grievance at a Stage Two formal grievance meeting if appropriate. The Head Teacher can then conduct or be part of the Stage Two grievance meeting providing they are not directly involved in the grievance or the informal stages.

### **Trade Unions or other Representatives**

- 2.4 Employees have a right to be accompanied by a trade union representative or colleague at any stage of the procedure. Their role will be to support and advise the complainant. They will have the right to address any meetings held but not to answer questions on behalf of the aggrieved employee unless agreed by all parties. If they are employed at the school they should be given reasonable time off to advise and meet with the complainant as necessary in preparation for any informal or formal meetings.

### **Investigating Officer**

- 2.5 The investigating officer will be responsible for conducting a formal investigation into the grievance and presenting findings to the Grievance Panel and Governors' Appeal Committee as part of the formal stages of this procedure. A grievance investigation should concentrate on the fundamental issues of the complaint and should avoid a full investigation into every issue raised by the complainant. The Investigating Officer in a school could be the line manager, Head Teacher or other senior member of staff or governor as appropriate to the situation. The arrangements for dealing with a grievance investigation will need to be assessed and take full account of the principles of natural justice. It is not possible, for example for the head teacher to be the investigating officer as well as the person responsible for determining the outcome of a grievance. The investigating officer must be impartial and not implicated with the grievance in any way.

## **The Governing Body**

- 2.6 The grievance procedure will be led and managed by the Head Teacher (or other delegated senior leader) or Chair of Governors (in the case of a grievance against the Head Teacher). Where the Head Teacher is subject to a grievance complaint, the procedure assumes that the governing body will consult with and engage the services of the County Council HR service to provide practical advice and support to the school in the application of this procedure and resolution of the complaint.

## **Grievance Meeting**

- 3.0 This meeting should be conducted by the Head Teacher or Chair of Governors (where the complaint is about the Head Teacher). The Head Teacher/Chair of Governors will take responsibility for considering a grievance under Stage Two of the procedure. If an investigation has been undertaken, then the Investigating Officer will attend the Grievance meeting. The employee may be accompanied by a Trade Union representative or colleague and may submit documentary evidence and present witnesses as appropriate.

## **Appeal Panel**

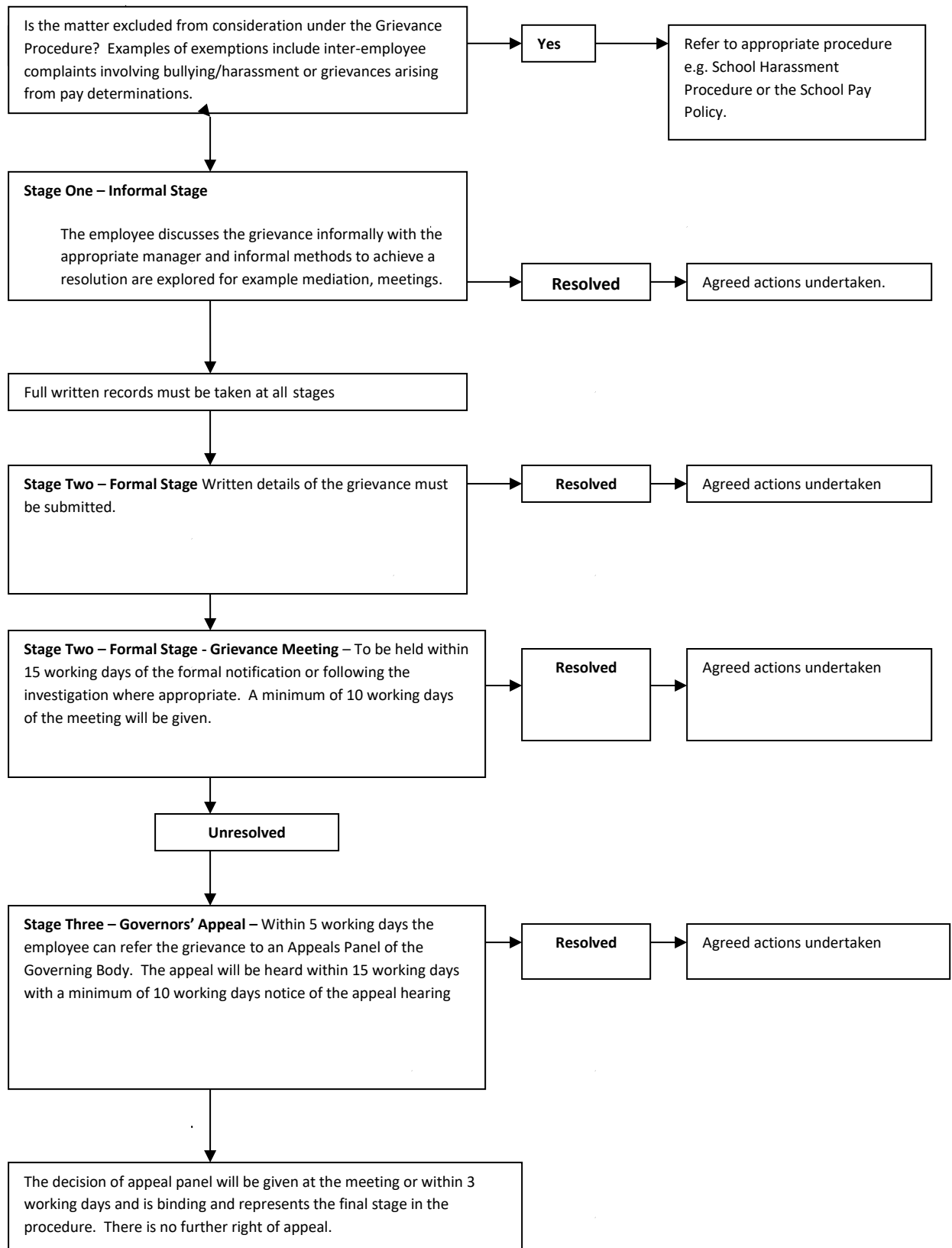
- 4.0 This panel should comprise of three Governors who will take responsibility for considering an appeal under Stage Three of the procedure. The governors included in such an appeal should have had no previous direct involvement in the case in question. Where this presents a problem, for example in very small schools or exceptionally complex cases, the Governing Body may require officers from the Local Authority to support the school to establish an independent panel. This may be done by either enlarging the school's instrument of governance to allow additional governors to be appointed who are untainted and available, or the school would need to enter into a collaboration agreement with another school's Governing Body, who could hear the case. In this case, the original Governing Body would have to agree to abide by the findings of the Governing Body of the school they decide to collaborate with.

## **The Local Authority (LA)**

- 5.0 The Local Authority may be responsible for considering specific complaints related to aspects of conditions of service where these are not within the powers of redress by the Governing Body. In these cases a decision will be made in consultation with all parties (including TU's) at the outset as to the appropriate procedures to be applied depending on the circumstances of the case.
- 5.1 The LA is also responsible for considering complaints originating from Head Teachers or other staff in schools which relate to other Local Authority employees. This complaint will be dealt with using the appropriate County Council procedure.

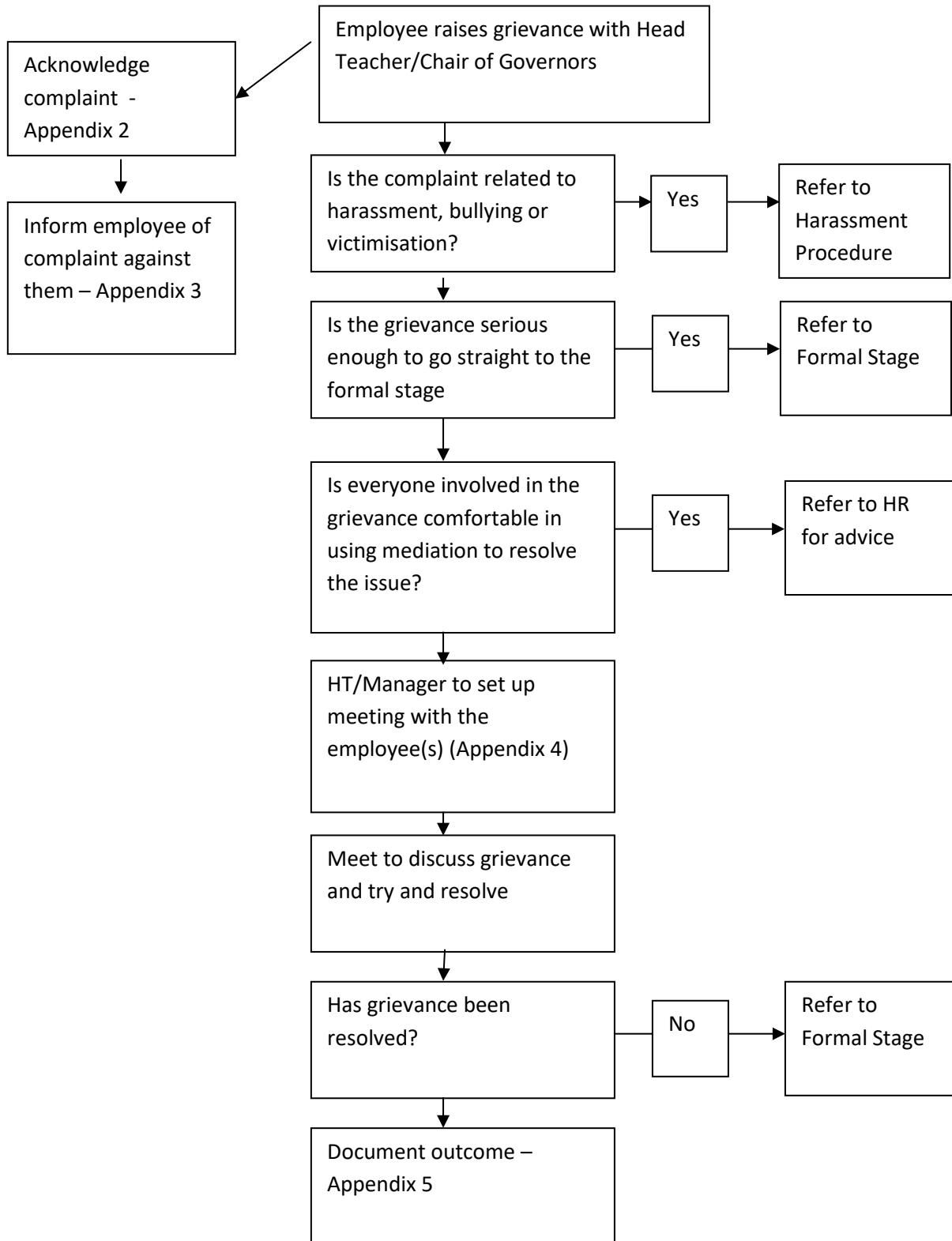
- 5.2 The HR Service will provide appropriate support to schools in applying the provisions of this procedure where the school has purchased an annual HR services contract. Local Authority officers will act as advisers to the governors' panels and, in exceptional cases, officers from the HR Service may be requested by the head teacher/governing body to investigate grievance on behalf of the Governing Body for which an appropriate rate will be charged.

## 6.0 Grievance Summary Flowchart – Nottinghamshire County Council Grievance Procedure



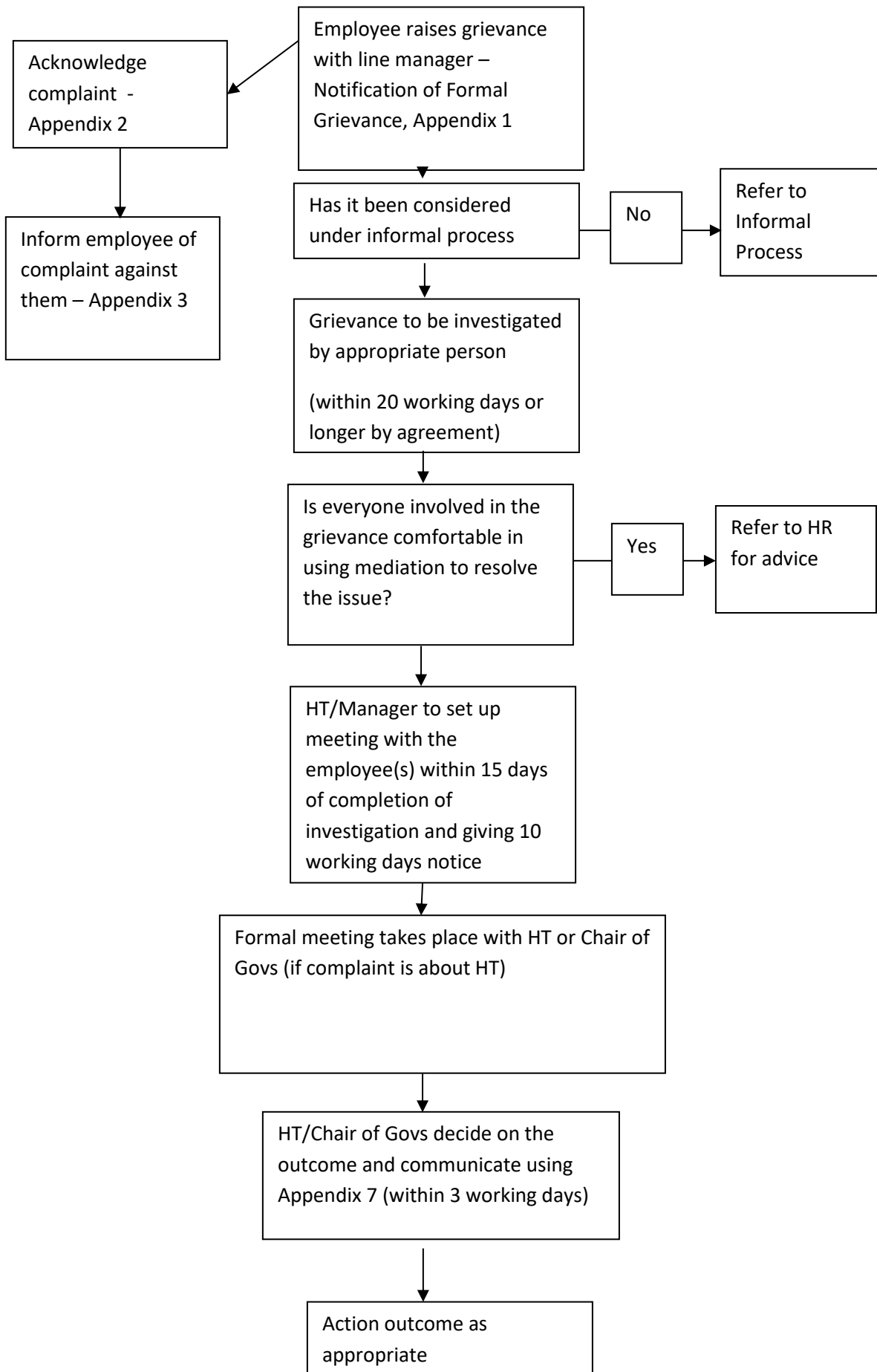


### Nottinghamshire County Council Grievance Procedure Informal Stage Flowchart (Stage One)



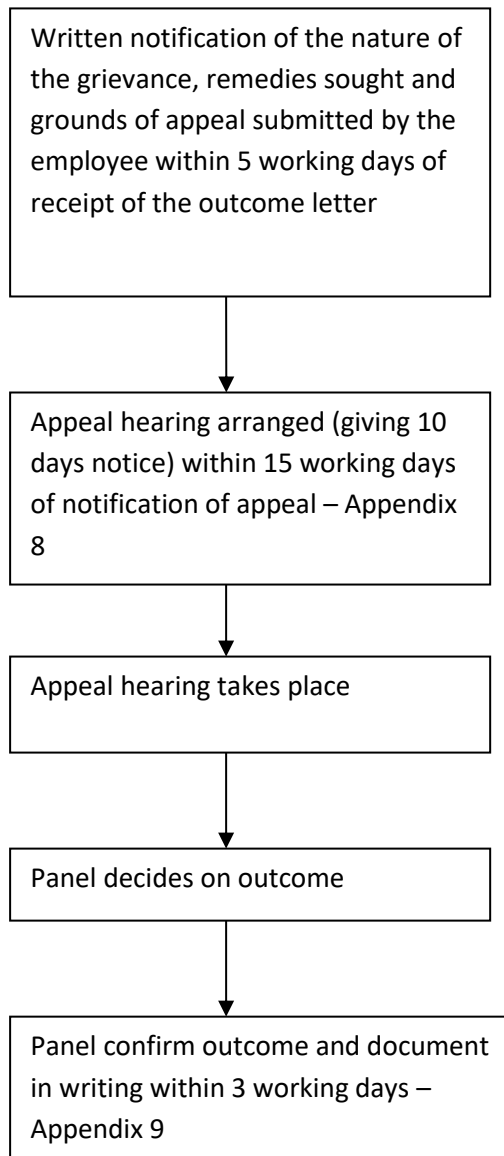
## Nottinghamshire County Council Grievance Procedure

### Formal Stage Flowchart (Stage Two)



## Nottinghamshire County Council Grievance Procedure

### Appeal Flowchart (Stage Three)





# **Nottinghamshire School Grievance Procedure**

## **TOOLKIT**

### **FOR HEADTEACHERS AND GOVERNING BODIES**

**November 2015**

**SCHOOL GRIEVANCE PROCEDURE – Toolkit Contents**

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## APPENDIX 1 – NOTIFICATION OF FORMAL GRIEVANCE

The Grievance should be recorded on this proforma and must contain full details of the following:

<b>Pro-forma for employees to state their grievance</b>	
<b>Name:</b>	<b>Post:</b>
<b>School:</b>	
<b>Nature of grievance:</b>	
<b>Against whom is the grievance being raised?</b>	
<b>Name:</b>	<b>Post:</b>
<b>Full and complete details of grievance (including relevant dates, times, events, witnesses etc.) Please use a separate sheet as necessary.</b>	
<b>Supporting documents</b> 1. 2. 3.	
<b>Please state your desired outcome/remedy sought (i.e. what will resolve the grievance?):</b>	
<b>Signed:</b>	<b>Date:</b>

**APPENDIX 2 – (RESPONSE TO EMPLOYEES INITIAL GRIEVANCE)**

Private and confidential  
Name  
Address

Dear

**Response to grievance submitted**

Further to our recent discussion and the submission of your grievance against \*\*\*.

As discussed and agreed I will be following the informal/formal stages of the school's grievance procedures as a means of resolving the issue(s).

A summary of the recorded issues are detailed below:

- 1)
- 2)
- 3)

I will write to you again to arrange an informal/formal meeting.

Yours sincerely

(Name)  
(Post) Head Teacher/Senior Leader/Chair of Governors

CC – HR Service  
Trade Union Representative/colleague

**APPENDIX 3 – (SUMMARY OF RECORDED ISSUES TO EMPLOYEE AGAINST WHOM THE GRIEVANCE HAS BEEN RAISED)**

Private and confidential

Name

Address

Dear

**Summary of recorded issues**

Further to our recent discussion regarding the grievance that has been made against you, attached is a summary of the recorded issues. You will shortly be invited to an informal meeting to discuss the issues.

Yours sincerely,

(Name)

(Post) Head Teacher/Senior Leader/Chair of Governors

CC – HR Service

Trade Union Representative/work colleague



## APPENDIX 4 – (INVITATION TO INFORMAL GRIEVANCE MEETING)

Private and confidential

Name

Address

Dear

**Re: School's Grievance Procedure – Invitation to an informal meeting (Stage One)**

I wish to invite you to an informal meeting to discuss your grievance complaint. The meeting will take place on *[date]* at *[time]* in *[location]*.

Specifically the meeting will address the following:

- Head Teacher/designated member of staff's role
- You will be given the opportunity to state your grievance and the remedy you are seeking and identify any witnesses that you want to give evidence
- Clarify any uncertainty about the grievance process and timescales
- Consideration of utilising professional/independent mediation services and whether it is appropriate in this case. However, every attempt should be made to resolve the dispute at an early stage.
- The next stage of the process

You have the right to be accompanied at the meeting by your trade union representative or work colleague.

Notes will be taken during the meeting and unless further time is required, I will make a decision as to whether to uphold your grievance and that decision will then be confirmed to you in writing within 3 working days.

Please confirm by *[date]* that you and anyone accompanying you are able to attend this meeting on the date and time given above.

Yours sincerely

*[Name]*

*[Post title]* Head Teacher/Senior Leader/Chair of Governors

c.c. HR Service  
Trade Union Representative/work colleague

## **APPENDIX 5 – (OUTCOME OF INFORMAL GRIEVANCE MEETING)**

Private and confidential

Name

Address

Dear

### **Re: School's Grievance Procedure – Outcome of informal meeting (Stage One)**

I wish to advise you of the outcome of the meeting held on [date] to consider the grievance which you raised concerning:-

*[Details of the grievance]*

I have considered carefully all the evidence which you submitted and have reached the following decision:-

*[State decision, associated reasons and any changes which will be made as a result]*

If you are not satisfied with this outcome, you are entitled to submit your formal grievance to the [*Head Teacher / Chair of Governors – delete as appropriate*]. If you wish to do this you should do so within 5 working days of receiving this letter, using Appendix 1 outlining the reasons for the continuation of your grievance.

Yours sincerely

*[Name]*

*[Post title]* Head Teacher/Senior Leader/Chair of Governors

c.c. HR Service  
Trade Union Representative/work colleague

## **APPENDIX 6 – (INVITATION TO FORMAL GRIEVANCE MEETING)**

Private and confidential  
Name  
Address

Dear

### **School's Grievance procedure – Invitation to Formal Grievance Meeting (Stage Two)**

I wish to invite you to attend a meeting to discuss the formal grievance that you raised in your letter dated (*insert date*).

The meeting will take place on (*insert date/time/location*). If the date and time are not convenient please contact me by (*date*) to make an alternative arrangement.

Your grievance will be heard by [*name*]. [*Name e.g HR Officer*] will also be in attendance. Please be aware that notes will be taken at this meeting and that a copy of these notes will be made available to you.

The meeting will be held in accordance with Stage Two of the School's Grievance procedure. The purpose of the meeting is to provide a forum for a full discussion of the issues, with a view to resolving the complaint at this stage of the process. You will be given the opportunity to state your grievance and the remedy you are seeking and present any witnesses you would like to give evidence.

You will be informed of the outcome of the meeting in writing within 3 working days of the meeting.

You are entitled, if you wish, to be accompanied by a trade union representative or work colleague. Please let me know by [*date*] if you wish to exercise this right. Please also let me know by [*date*] if you intend to present any witnesses. Please note it is your responsibility to arrange for your witnesses to attend.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[*Name*]  
[*Post title*] Head Teacher/Chair of Governors

c.c. HR Service  
Trade Union Representative/work colleague

## **APPENDIX 7 – (OUTCOME OF FORMAL GRIEVANCE MEETING)**

Private and confidential

Name

Address

Dear

**Re: School's Grievance Procedure – Outcome of Formal Grievance Meeting (Stage Two)**

I refer to the grievance meeting that was held on [date] at [time] in [location] to discuss the grievance that you raised in your letter dated [date of initial grievance submission].

In response to your grievance, I/the panel have decided that [details of the decision]

If you are not satisfied with my decision, you have the right to refer the grievance and remedy sought to the *Head Teacher / Chair of Governors, (delete as appropriate)* for an appeal under Stage 3 of the Grievance procedure. You should do so in writing within 5 working days of receiving this letter.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[Name]

[Post title] Headteacher/Chair of Governors

c.c. HR Service  
Trade Union Representative/work colleague

## **APPENDIX 8 – (INVITATION TO FORMAL GRIEVANCE APPEAL MEETING – STAGE 3)**

Private and confidential

Name

Address

Dear

### **Re: School's Grievance Procedure – Invitation to a Formal Grievance Appeal Meeting (Stage Three)**

Further to your letter dated [*date*], I am writing to invite you to a meeting under stage Three of the School's Grievance Procedure.

The meeting will take place on [*date*] at [*time*] in [*location*]. Your appeal will be heard by [*name*]. [*Name e.g. HR Officer*] will also be in attendance. Please be aware that notes will be taken at this meeting and that a copy of these notes will be made available to you.

At the meeting, you will be given the opportunity to state your grievance and the remedy you are seeking. You will also be entitled to produce witnesses to support your case and please note it is your responsibility to ensure your witnesses attend the meeting.

Please find enclosed the papers which will be considered at the meeting including a report from (manager's name) setting out the nature of the grievance and the efforts made so far to resolve your complaint.

Any additional written submissions, correspondence, witness statements or other papers relevant to the grievance which you intend to rely on at the meeting should be submitted to [*name of person nominated to consider the grievance*] no later than 5 working days prior to the meeting date set out above. Copies of all such papers will then be made available to both parties at least 5 working days before the meeting.

You are entitled, if you wish, to be accompanied by a trade union representative or work colleague. Please let me know by (*date*) if you wish to exercise this right.

Yours sincerely

[*Name*]

[*Post*] Head Teacher / Chair of Governors

c.c. HR Service  
Trade Union Representative/work colleague

**APPENDIX 9 – (OUTCOME OF FORMAL GRIEVANCE APPEAL MEETING – STAGE 3)**

Private and confidential

Name

Address

Dear

**Re: School's Grievance Procedure – Outcome of Formal Grievance Appeal Meeting (Stage Three)**

I refer to the grievance appeal hearing that was held on *[date]* at *[time]* in *[location]* to discuss the grievance that you raised in your letter dated *[date of initial grievance submission]*.

In response to your appeal, I have decided that *[details of decision]*

The appeals process is the last stage of the grievance procedure and the panel's decision is final.

Yours sincerely

*[Name]*

*[Post title]* Chair of Panel

c.c. HR Service  
Trade Union Representative/work colleague

## **APPENDIX 10 – (MEDIATION PROCESS)**

### **GRIEVANCE MEDIATION**

#### **Purpose**

- 13.0 Mediation is a process which enables assistance to be given to help resolve grievances, normally at the informal stage. It does not replace established procedures but enhances the probability of resolution.
- 13.1 Mediation involves an independent and impartial person (the mediator) facilitating communication between the parties involved in the grievance. For it to be effective it needs the consent and participation of all the parties concerned and they need to have, or gain quickly, confidence in the mediator.
- 13.2 It is important that the mediator is a person with appropriate experience and no conflict of interest or bias towards one of the parties involved.
- 13.3 The mediator's task is to help promote a settlement of the grievance, acceptable to both parties. If this cannot be achieved there may be at least a better understanding of the issues and viewpoints of each of the participants.
- 13.4 The mediator does not have the authority to decide any issue for the parties, but will attempt to facilitate the informal voluntary resolution of the dispute by the parties concerned. The mediator may suggest ways of resolving the dispute, but should try to avoid imposing his/her own judgements.

#### **Process**

- 13.5 In order to help resolve the grievance the mediator may initially offer to meet both parties separately to discuss methods of achieving a settlement. If necessary, the mediator may also obtain additional expert advice, including that from the HR Service, concerning contractual, technical, professional and organisational aspects of the dispute. Once it appears that an agreed settlement may be achievable then it may be possible for all parties to meet together.
- 13.6 The time and location of any meetings and the issues to be discussed will be agreed with the mediator. Time within the school day should be allowed to facilitate this. It will also be helpful to the mediator if both parties set out their views for them and provide copies of any relevant documents.
- 13.7 Mediation sessions are usually private only involving each of the parties and their representatives. Other persons may attend with the permission of the parties involved and with the consent of the mediator.
- 13.8 While neither party is asked to commit to settle their case in the mediation process, all parties commit to participate in the proceedings in good faith with the intention to settle, if at all possible.

13.9 It is important that the parties engaged in the process should have the necessary authority to reach an agreed settlement, accepting that the individual will wish to seek their own advice and management representatives may need to seek formal approval to any proposals.

13.10 Confidential information disclosed to a mediator by the parties, or by witnesses, in the course of the mediation is not divulged to other parties without agreement. In order for the mediation process to be effective the mediator should not be required to divulge any of the information disclosed in internal or external proceedings without the prior agreement of the parties involved.

13.11 Similarly the parties should not introduce as evidence in any subsequent internal proceedings:

- views expressed or suggestions made by another party with respect to a possible settlement of the grievance.
- admissions made by another party in the course of the mediation proceedings.
- proposals made or views expressed by the mediator or
- the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator.

13.12 The mediation process is normally finished when:

- there is a settlement agreed by the parties concerned with the outcome formally recorded; or
- the mediator or either party feels that further efforts at mediation are no longer worthwhile and the matter should proceed to the formal stage of the Grievance Procedure. The Head Teacher/Chair of Governors would need to be informed that this stage had been reached.

## **The mediation process**

13.13 By convention, the person who first approaches mediation is termed “party one”, and the people you are unhappy with are termed “party two”, “party three” and so on. Mediation is a step by step process.

### **Step 1**

- The employee can approach the school to discuss their circumstance and/or to consider mediation. The school, with advice from the HR Service, will need to decide whether mediation is appropriate to meet their needs.

### **Step 2**

- If mediation is appropriate, a suitable mediator needs to be identified.



- It is very important that anyone undertaking mediation has the relevant skills to undertake the role. In all cases, it is recommended that the school refer to organisations such as ACAS for information on external mediation services. Relevant information can be found at [www.acas.org.uk](http://www.acas.org.uk) (Help Resolving Disputes/Mediation or by contacting the ACAS Customer Service Helpline on 08457 38 37 36.
- If the employee would like someone to accompany them to a mediation session they need to discuss this beforehand with the mediator.

### **Step 3**

- If the employee, with the mediator, agree that mediation is suitable, the mediator(s) will approach their work colleague(s) separately.
- The employee decides beforehand, with the mediator, the information that should be discussed with their colleague(s).
- The employee's work colleague(s) will be treated in the same way as the employee has been, with respect, fairness and rights to confidentiality.
- The mediator may meet with each person involved in the dispute.
- The mediator will encourage the employee's colleague(s) to consider mediation.

### **Step 4**

- If all involved wish to pursue mediation, the mediator will arrange for all involved to enter into a group meeting called a face-to-face mediation.
- This takes place in a private and informal setting, with usually only the people involved in the dispute and the mediator being present.
- The mediator is there to help make sure that the employee and their colleague(s) each listen to what the other has to say; understand each other's needs and concerns; and try to find a solution. The mediator will not tell the employee what to do but can share ideas with them and help them look at different solutions.

### **Step 5**

- At the end of mediation, the employee will usually get a written summary of the decisions (agreements) made.

Updated November 2015

- Agreements are not legally binding but are based on good faith and commitment.

## APPENDIX 11 – INVESTIGATION TEMPLATE

<p><b>GRIEVANCE INVESTIGATION TEMPLATE</b>  <i>(To be completed by the Head Teacher/Senior Leader conducting the investigation)</i></p>	
<p><b>SCHOOL:</b></p>	
<p><b>INVESTIGATING OFFICER:</b>                  Name: _____ Post Title: _____</p>	<p><b>DATE:</b></p>
<p><b>HR BUSINESS PARTNER ASSIGNED:</b>                  Name: _____ Post Title: _____</p>	
<p><b>COMPLAINANT</b> (where applicable):</p> <p>Name: _____</p> <p>Post Title: _____</p>	
<p><b>COMPLAINT AGAINST:</b> [name]</p> <p>Post Title: _____</p>	
<p><b>WITNESSES CURRENTLY IDENTIFIED (INCLUDE CONTACT DETAILS):</b></p> <p>Name: _____ Post Title: _____</p> <p>Name: _____ Post Title: _____</p> <p>Name: _____ Post Title: _____</p> <p>Name: _____ Post Title: _____</p>	
<p><b>SUMMARY OF GRIEVANCE COMPLAINT (SEE APPENDIX 1)</b></p>	
<p><b>REMEDY SOUGHT:</b></p>	

<b>REASON FOR REFERRAL TO INVESTIGATION OFFICERS / REMIT OF INVESTIGATION:</b>									
<b>LIST OF PERSONS ALREADY INTERVIEWED OR WHO HAVE PROVIDED STATEMENTS AS PART OF INFORMAL STAGE</b>									
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Name:</td> <td style="width: 33%;">Post Title:</td> <td style="width: 33%;">Interviewed Date</td> </tr> <tr> <td style="padding-top: 10px;">Name:</td> <td style="padding-top: 10px;">Post Title:</td> <td></td> </tr> <tr> <td style="padding-top: 10px;">Name:</td> <td style="padding-top: 10px;">Post Title:</td> <td></td> </tr> </table>	Name:	Post Title:	Interviewed Date	Name:	Post Title:		Name:	Post Title:	
Name:	Post Title:	Interviewed Date							
Name:	Post Title:								
Name:	Post Title:								
<b>ANY ADDITIONAL EMPLOYEES/OTHER PARTIES TO BE INTERVIEWED/TO PROVIDE STATEMENT:</b>									
<b>TIMESCALE FOR COMPLETION OF FINAL REPORT:</b>									
<p>I understand that this investigation should be undertaken with due regard for the need for confidentiality by all parties. The information obtained during the course of the investigation is protected under the Data Protection Act and should not be discussed with anyone except the Investigating Officer, HR and other investigation team members or Panel Members.</p> <p>Signed: ..... (Investigating Officer)</p> <p>Date: .....</p>									

## APPENDIX 12 – TEMPLATE STATEMENT OF CASE

### Statement of Case – Grievance hearing (Stage 2 & 3)

#### CONFIDENTIAL

SCHOOL NAME.....

#### Background / Introduction

- Name / job title
- Employed since
- Relevant history
- How the grievance came to your attention / what you or others observed

#### The Grievance

- Points of grievance

#### Informal Stage – Outcome

- Details of the attempts to resolve the grievance at the informal stage.
- As a result of the grievance I met with the following people to establish the facts (attached minutes if appropriate):
  - List of interviewees
- Options presented for resolution at the informal stage
  - 
  - 
  -
- Outcome reached

#### Formal Grievance meeting

- Details of the Formal Grievance (Appendix 1)
- Details of evidence submitted; interviews conducted
- Remedy sought by aggrieved employee and reason why not resolved at informal stage

#### Findings

- Include specific details of incidents, documents, interviews and any other relevant material relevant to during the grievance complaint.

**Summary**

- Summary of the findings with reference to appendices

**Conclusion**

- Set out the conclusion of the grievance issues at Stage Two

Name of Investigating Officer \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

List of all Appendices

Appendix No.	Title of document	Obtained from	Date
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## **APPENDIX 13 - ORDER OF EVENTS**

### **FORMAL GRIEVANCE PROCEDURE STAGES TWO AND THREE**

#### **PROCEDURE FOR GRIEVANCE MEETING / APPEAL HEARING: Order of Events**

(1) Introductions

The Chair of the Panel will:

- a. Explain the purpose of the meeting, conducted as part of the School's Grievance procedure
- b. Ask those present to introduce themselves and explain their role
- c. Outline the order of events
- d. Explain that notes will be taken to record the key points of the hearing

(2) The aggrieved employee and/or their representative will:

- a. state their case, including the reason for the grievance and present their evidence
- b. answer any questions put by the Head Teacher or other senior leader
- c. answer questions put by the Grievance Panel / Appeal Panel.
- d. call any witnesses in support of their case, who will also answer any questions from the Head Teacher or other senior leader and members of the panel.

(3) The Head Teacher or other senior leader will:

- a. state their response and present their evidence
- b. answer any questions from the aggrieved employee or their representative
- c. answer questions from the Grievance Panel / Appeal Panel.
- d. call any witnesses in support of their case, who will also answer any questions from the aggrieved employee and/or their representative, and members of the panel

(4) When the members of the Grievance Panel / Appeal Panel hearing the case are satisfied they have sufficient information about the issues they will invite:

- a. the aggrieved employee and/or their representative to summarise their case
- b. the Head Teacher or other senior leader to summarise their case

(5) The grievance hearing will then be adjourned to enable the Grievance Panel/Appeal Panel to:

- o Consider the issues

- Take any necessary advice
- Deliberate and decide whether or not to uphold the grievance
- Consider an appropriate remedy or follow up actions as appropriate

- (6) All parties reconvene
- (7) The Chair of the Panel will normally announce the decision at the end of the hearing. However in exceptional cases this may be delayed if further time needed by the panel to consider the evidence
- (8) This decision will be confirmed in writing within 3 working days of the conclusion of the hearing, including where necessary, their right of appeal to a panel of 3 Governors and date of the Appeal.

**NOTE**

Where the employee or trade union representative/work colleague calls a witness in support of his/her case, the following procedure applies:

- The witness will be asked questions by the employee or trade union representative/work colleague
- The witness will then be asked questions by the Head Teacher or other senior leader
- If clarification is required the witness will be asked further questions by the employee or their trade union representative/work colleague
- The witness will be asked questions by the panel

Where the Head Teacher or other senior leader calls a witness in support of his/her case, the following procedure applies:

- The witness will be asked questions by the Head Teacher or other senior leader
- The witness will then be asked questions by the employee or their trade union representative or work colleague
- If clarification is required the witness will be asked further questions by the Head Teacher or other senior leader
- The witness will be asked questions by the panel

*NB: After completion of the above stages any witnesses will be:*

- *Instructed not to discuss the case in any way until after the hearing/appeal has been determined*
- *Asked to retire. The Chair of the panel will determine with all parties whether the witness can be released entirely or whether they may be subject to recall*

<b>JCNP Staffing Regulations Working Party</b>	<b>3<sup>rd</sup> November 2015</b>
<b>Lead HR Business Partner</b>	<b>Sue Angood</b>
<b>Date policy updated</b>	<b>November 2015</b>
<b>Review date</b>	<b>As per legislative changes</b>
<b>Senior Business Partner</b>	<b>Andy Wilson</b>