



"Unlocking potential through learning"

Grievance Procedure Policy

The New Horizons
Learning Centre

Date Ratified: July 2022

Review Date: July 2024

Signed by: Donna Portingale

Position: Chair of Governors

Introduction

1. This procedure applies to all staff based in NHLC and intended to help you resolve any concerns that you may have regarding your work and working environment e.g. working conditions, relationships with colleagues, issues relating to work duties and responsibilities etc. It also helps your school to respond fairly and as speedily as possible
2. If you have a grievance or complaint you should try to settle it quickly and informally where possible (see Stage 1). If you cannot get a solution by talking through the issue at Stage 1 then you have a right to ask for it to be considered formally (Stage 2).
3. Usually a grievance will be considered to have been dealt with satisfactorily if the matter has not been raised again by you or your manager in the following six months.
4. Please note, this procedure does not apply where a grievance is raised by a trade union representative or a work place representative on behalf of two or more employees – this is dealt with under the school's procedure for collective disputes.

Stage 1 - Informal Action

If you have a grievance you should first raise the matter informally, ideally with the person who has caused your grievance, or, if this is not possible, with your line manager or a member of the Senior Leadership Team (SLT). (Many problems can be solved quickly and often a quiet word is all that is needed.) Do let your manager know that you have a grievance, however you choose to deal with it.

You can put your grievance in writing or explain it verbally; either way, stick to the facts and avoid language which may be considered insulting or abusive.

Make it clear what solution you are looking for.

If you can work out a solution with whoever or whatever caused your grievance, then let your manager know you've resolved the problem.

If you have asked your manager or a member of the SLT (who could be the Executive Headteacher*) to help find a solution then he/she will arrange a meeting with you as soon as practicable, and will then tell you his/her decision in writing.

If you would like support during the meeting you can be accompanied by a work colleague or trade union representative

Your manager will keep a brief record of the issues and outcome on your file. You may receive a copy if you wish.

The Executive Headteacher may ask a senior manager to act on his/her behalf.

Stage 2 - Formal Grievance

If your grievance is not resolved to your satisfaction at the informal stage, or you think the matter is too serious to be dealt with informally, then you should ask for it to be considered formally, under Stage 2.

To do this you should complete an Employee Grievance Form (Appendix A) stating your grievance and the outcome you are looking for. If you have already been through Stage 1 you should send in this form within 10 working days of getting the Stage 1 written decision.

Send the form to the Executive Headteacher* who will investigate your grievance.

If your grievance is against the Executive Headteacher send the form to the Chair of Governors.

He/she will invite you to a meeting to ask you to explain your complaint and to consider how to deal with it. You can ask a work colleague or trade union representative (a 'companion') to come to the meeting with you and provide support.

The Executive Headteacher*(or Chair of Governors) will try to find a solution that is acceptable to yourself and to the school; this might involve:

- Taking immediate action that resolves your grievance
- Speaking to other members of staff on your behalf
- Carrying out further investigation and meeting with you again when he/she has further information
- Calling in an external third party e.g. a mediator, with your agreement, to help all the parties involved to come to a mutually acceptable solution.

Once the Executive Headteacher* (or Chair of Governors) has taken the appropriate action and reached a decision about your grievance he/she will arrange a meeting with you to inform you of the decision. He/she will then confirm this to you in writing (normally within 20 working days of the first Stage 2 meeting) and will also tell you about your right of appeal (Stage 3).

A copy of your grievance and the decision(s) reached will be kept on your personal file, in accordance with the Data Protection Act 1998; this Act gives you the right to see certain information that is kept about you.

The Executive Headteacher may ask a senior manager to act on his/her behalf.

Stage 3 - Appeal

If you don't think the decision made at Stage 2 has resolved your grievance, then you can appeal to the Governing Body's appeals panel. To do this you have to write to the Clerk to Governing Body within ten working days of receiving the written 'Stage 2' decision.

In your letter you should state why you are unhappy with the Stage 2 decision and what solution you are looking for.

A panel of Governors will hear your appeal, normally within 20 working days of receiving your letter. They will be Governors who have not had any direct involvement with your grievance. One of the panel members will be elected as Chair. Usually a representative from Schools' Personnel will be present to give advice to the panel of Governors.

The panel will invite you to a meeting to ask you to explain why you are unhappy with the Stage 2 decision. You can ask a 'companion' i.e. a work colleague or trade union representative, to come to the meeting with you and provide support. The person responsible for the investigation at Stage 2 will also be invited to the meeting to explain how he/she reached the decision.

You can ask the panel to consider new information about your grievance and you can bring witnesses along to support your arguments. Any information that you want the panel to consider should be sent to them no later than 10 working days before the date of the meeting*. You must not raise a different grievance, however, at Stage 3.

You will be informed of the panel's decision in writing, normally within five working days of the meeting.

If you ask for new information to be considered at appeal the panel may need to delay or suspend the appeal to enable the new information to be investigated properly.

Guidance Notes

When to use the grievance procedure

The purpose of the grievance procedure is to resolve any concerns that you may have regarding your work and working environment.

If your Executive Headteacher feels at any stage that your issue can be better dealt with outside this procedure then he/she may suggest this to you; for instance, he/she might advise you that another procedure is more appropriate. The school has the following procedures that could be relevant to your concerns or issues:

- Bullying and Harassment Procedure
- Sickness Absence Procedure
- Disciplinary Procedure
- Capability Procedure
- Re-grading (for non teaching staff)
- Request to take Flexible Retirement
- Statutory Right to request Deferred Retirement
- Flexible Working Procedure
- Statutory Right to Request Time to Train
- Whistle-blowing Procedure
- Pay Policy
- School Complaints Procedure (for non-employment related issues).

You (and your union representative) can decide whether or not to accept this advice.

If you raise a grievance and then leave the school your grievance will be dealt with up to Stage 2.

If you raise a grievance after you have left the school the Executive Headteacher will seek advice from Schools' Personnel as to whether an investigation into your concern is still appropriate.

When NOT to use the grievance procedure

You cannot use the grievance procedure to raise a concern about any policies or conditions of service that have been agreed either locally or nationally on the school's behalf with the recognised Trade Unions/Professional Associations, unless you are claiming that the policy had been incorrectly applied or interpreted.

You should never raise a grievance that is frivolous, malicious or vexatious; that could lead to disciplinary action being taken against you.

Standard Practices when using the Procedure

All records relating to a grievance are covered by the Data Protection Act 1998. This means that they must be kept confidential, be accurate, relevant and not kept for longer than required. It also means that employees have a legal right to see what has been written about them.

If a manager or another employee is the subject of your grievance then they will be given a copy of the grievance as it relates to them. (This might be amended, with your agreement, from your original statement to make sure that it accurately covers your concerns and ensures they can respond to them)

If you raise a grievance when you are the subject of a disciplinary process then the disciplinary procedure may be temporarily suspended in order to deal with the grievance.

If, however, the grievance and disciplinary cases are related it might be appropriate to deal with both issues together. Schools' Personnel will advise which option is suitable.

Right to be accompanied

You have the right to be accompanied at all stages of the grievance procedure, by a work colleague or trade union representative employed by the local authority or by a full time Trade Union Official; this person will be referred as your 'companion'

If your chosen companion is unable to attend an arranged meeting, an alternative date will be given, usually within 5 days of the first date. If your companion can still not attend then they can send in a written statement or you can ask another 'companion' to support you or can attend the meeting on your own. In any case, it is advisable to consult with your trade union at an early stage in the procedure.

If your companion is a work colleague or a trade union representative he/ she will be given reasonable paid time off work so that they can discuss your case with you and

prepare for, and attend, the meetings.

Grievance against the Executive Headteacher:

If your grievance is against the Executive Headteacher then the same procedure applies – you should try to resolve it informally directly with the Head. If you are not satisfied with the outcome you should complete an Employee Grievance Form and send it to the Chair of Governors who will follow the procedure for Stage 2*. Any appeal against the decision of the Chair will go to a panel of governors in accordance with Stage 3.

If you raised your grievance at Stage 1 with the Chair of Governors then another nominated Governor will normally investigate the grievance at Stage 2.

Employee Grievance Form

Your Name:

School:

Job Title:

Statement of Grievance: *Please give a full description of your grievance, stating what happened and when and where it happened. Where possible please give the names of all individuals involved and the names of any witnesses to the behaviour or incident.*

How has the behaviour/ incident affected your ability to work effectively?

Have you raised the grievance informally with the individual(s) involved, or with a manager within the school? (If yes, please give details)

What actions do you want taken to deal effectively with your grievance? *You may wish to consult your trade union representative about what might be an appropriate remedy but you should bear in mind that the manager hearing your grievance needs to achieve a solution that is as fair as possible to all parties, as well as considering the effect on the school.*

Declaration: I confirm that the details above are true and accurate and that I have read and understood the Employee Grievance Procedure. I also understand that a

copy of this form will be given to the people I have named in it.

(A shortened version of the form may be given where an individual is named in only part of the form.)

Signature:

Date: