

Mountjoy School

Grievance Resolution Procedure

December 2020



This is a Dorset Council Policy

Reviewed by FGB

3rd December 2020

Date of next review:

December 2021

Signed:

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Date.....

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Schools - Grievance Resolution Procedure

1 Introduction

- 1.1 This procedure applies to personal concerns raised by an individual in relation to their work or work environment. If the matter is a complaint raised by two or more employees by a representative of a recognised trade union, refer to the collective grievance procedure.
- 1.2 Wherever possible, all stages of this grievance resolution procedure (apart from any appeal) should be managed by the aggrieved employee's line manager/Head teacher as part of their supervisory responsibilities and in the interests of continuity, good working relationships and early resolution. Where the Head teacher is the subject of or involved in the complaint, then it will be appropriate for the Chair of Governors to manage the grievance.
- 1.3 The line manager is responsible for considering the nature of the complaint and whether it should be progressed elsewhere, for example if it is a disciplinary or capability matter or is an allegation about safeguarding. The line manager is expected to recognise whistle-blowing complaints, which are not personal to the individual but are made because the individual believes that raising their concerns is in the public interest. This may be the case even if the employee has not stated that they are whistle-blowing. Managers who receive whistle-blowing complaints or allegations must ensure that they are referred immediately to the Headteacher or the Chair of Governors as appropriate, in accordance with the School's Whistleblowing Policy.

2 Resolving Grievances Informally

- 2.1 Sometimes all it takes is a quiet word with the individual concerned to resolve an issue. If an employee has an issue with a colleague, including their line manager, which could be resolved by talking to them, the employee is encouraged to raise their concern directly with that individual.
- 2.2 Wherever possible, employees' concerns about any aspect of their work or work environment should be discussed informally with their line manager as part of normal supervision arrangements.
- 2.3 If an employee's complaint is about their line manager and it is not appropriate to speak to them directly (for example, it involves bullying, harassment or discrimination), then the employee may raise the matter with their manager's manager/Head teacher, rather than their immediate manager. Again, where the Headteacher is the subject of the grievance then the matter should be raised with the Chair of Governors.
- 2.4 It is for the employee concerned to decide whether the behaviour of a colleague has been unwelcome or unwanted and for them to be clear about the outcome they are seeking.
- 2.5 Managers will aim to reach a satisfactory resolution for any concern raised by an employee, without unreasonable delay. The manager will need to talk to the employee informally. There is no right for the employee to be accompanied at any informal meetings.

- 2.6 In considering the approach to resolve the issue, the manager will:
- establish the facts
 - be clear about the resolution that the employee is seeking
 - refer to the examples of unacceptable behaviour, giving consideration as to how the average, reasonable person would have felt in such circumstances
 - consider if they need to speak informally, and in private, to anyone else
 - consider whether the matter is within their control or whether they need to conduct an investigation to establish all the facts (see section 6 below)
- 2.7 It is clearly in the interests of all to resolve problems at an early stage, before they escalate. Where the complaint is between the employee and another colleague, the colleague should be made aware of the problem (if not already) and given opportunity to comment. It might be possible for the matter to be resolved by:
- the manager meeting with and supporting both parties to find a resolution, as part of day to day supervisory responsibilities
 - mediation between 2 parties (if mutually agreed)
 - signposting to further support, (for all concerned) such as, the staff counselling service; a trade union representative or the school's stress management policy.
 - informal action, such as written advice and guidance if unacceptable behaviour has occurred.
- 2.8 If, at any point during attempts to resolve the matter informally, the manager considers that further investigation is necessary because it may warrant disciplinary action, the manager should make arrangements for a formal investigation (See section 6).
- 2.9 If the complaint does not involve another person and is about working conditions or the employee's contract, the manager should refer to all relevant evidence which may include:
- people management policies and procedures
 - the employment contract

3 Informal Resolution

- 3.1 Once a potential resolution(s) has been established, the line manager should discuss this with the employee as soon as is reasonably possible, normally within 5 working days. The manager should make an informal note of the employee's concern, the resolution proposed and the reasons for the response. A copy should be given to the employee.
- 3.2 If an employee is dissatisfied with the informal resolution, they can continue to seek a satisfactory resolution by submitting a formal written grievance.

4 Formal Grievances

- 4.1 Where there has been a genuine and reasonable attempt (by both employee and manager) to resolve an issue informally or if the matter is so serious it warrants formal action from the outset, the employee may raise a formal grievance without unreasonable delay from the point that their concerns first arose.

- 4.2 At all stages, support is available to the manager from the HR&OD Advisory Service, who can provide advice and guidance in relation to the school's policy and procedure and employment law. Employees can seek advice at all stages from their trade union representative.

5 Employee raises formal grievance in writing

- 5.1 The employee must clearly state their grievance in writing, normally to their manager, except in the case of 2.3 above, in which case the written grievance should be sent to the Chair of Governors.
- 5.2 The written grievance will form the basis of the subsequent meeting to review the grievance and any investigation.
- 5.3 In order for the grievance to be considered formally, the written grievance must include:
- a clear explanation of the full nature of the formal grievance, containing only the facts
 - the reasonable outcome/resolution(s) that the employee is seeking.
- Where this information is not provided, and the full nature of the grievance is therefore unknown, the manager may decide that the grievance cannot be pursued.
- 5.4 Where the grievance relates to another similar grievance already raised by the employee or the grievance has been raised in relation to another people management procedure, the manager can seek HR advice and confirm to the employee how the complaint will be investigated.
- 5.5 The manager/Head teacher is responsible for managing the case, including:
- ensuring that the necessary level of information has been provided by the employee in order for the grievance to be taken forward formally effectively;
 - considering whether an investigation is appropriate and, if so, making the necessary arrangements;
 - making arrangements for the formal grievance meeting.
- 5.6 It is not always necessary to conduct a formal investigation in order to find a resolution to the grievance. If an investigation is not considered appropriate at this stage, the manager should move to section 8 and arrange the formal meeting. (The formal meeting can be adjourned if an investigation appears necessary at this later stage).

6 Conducting an Investigation

- 6.1 The manager reviewing the grievance will carry out the investigation as long as they are not personally involved in the matter being investigated.
- 6.2 The purpose of the investigation is to ascertain the facts and circumstances surrounding the complaint and to collate any evidence which may be considered at a formal grievance meeting. This may include identifying witnesses and taking statements from them if this is appropriate to the circumstances of the complaint. Sufficient evidence must be collated in order for the manager to be able to consider a reasonable resolution to the grievance.

- 6.3 The investigation will be undertaken in accordance with this procedure and also within the general principles contained in the [ACAS Guidance on Conducting Workplace Investigations](#).
- 6.4 The manager should interview the person raising the grievance first to ensure that they fully understand the matter. The employee may be accompanied by a trade union representative or a willing work colleague.
- 6.5 If another employee is under formal investigation because they are the subject of the complaint, they should be informed in writing of the concerns raised/complaints against them and that an investigation will be carried out under the grievance policy and procedure. The employee may be accompanied by a trade union representative or a work colleague at any formal meetings.
- 6.6 Investigatory meetings must not by themselves result in any formal action (see 7 below).
- 6.7 At the end of the investigation, the manager will make arrangements for the formal grievance meeting.

7 Investigations which highlight a potential disciplinary or capability case to answer

- 7.1 If, during any investigatory meeting, it appears that formal disciplinary or capability action is a potential outcome, the meeting should end and the matter should be referred to the disciplinary policy and procedure or capability policy and procedure as appropriate. A separate investigatory meeting will be arranged, in accordance with the relevant procedure. The same manager may continue with the investigation into the disciplinary or capability matter for consistency purposes.
- 7.2 A referral to the disciplinary process may also be made if it appears that the complaint is malicious and there is a possibility that further investigation may result in disciplinary action being taken against the complainant.
- 7.3 Where grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. Managers/Head teachers can seek HR advice in these cases.

8 Formal Meeting to review the grievance

- 8.1 The manager who has received the written grievance (normally the line manager) will arrange to meet with the employee to discuss the matter.
- 8.2 The purpose of the meeting will be to:
- review the grievance (and any evidence arising from an investigation)
 - review any informal steps already taken to resolve the matter
 - engage in discussion with the aim of agreeing an appropriate resolution to the issue.
- 8.3 In some cases a meeting can be set up between the employee who has written the grievance and the employee who is the subject of the grievance,

with the Headteacher acting as facilitator/mediator in order to seek a formal resolution to the grievance.

9 Arrangements for the Meeting

- 9.1 The meeting should be arranged without any unreasonable delay.
- 9.2 The employee must be informed of their right to be accompanied by a trade union representative or a willing work colleague.
- 9.3 The suitability of the venue and arrangements for the meeting should ensure confidentiality and equality of access making any reasonable adjustments for an employee or their representative with a disability to fully participate in the meeting.
- 9.4 Employees should confirm their attendance and notify the manager of the name of the person accompanying them in advance.
- 9.5 The employee and their representative should take all reasonable steps to attend the meeting. If the employee or their representative is not available at the time proposed for the meeting, the employee can suggest an alternative reasonable date that should usually be not more than 5 working days after the date originally proposed.
- 9.6 Where it is appropriate to the grievance, and with prior agreement, both the manager and the employee may call witnesses to the grievance meeting if their presence is considered helpful given the individual circumstances of the case.
- 9.7 Any evidence to be referred to at the meeting should be submitted by both parties (the employee raising the grievance and the subject of the grievance) in advance of the meeting. In certain circumstances (for example to protect a witness) the school may withhold some information.

10 Conduct of the Meeting

- 10.1 The manager/Head teacher is responsible for the conduct of the meeting and will explain this to all parties present. They may be accompanied by an HR & OD Advisor for support and advice about the process if required.
- 10.2 The manager will make introductions as necessary.
- 10.3 The manager will invite the employee or their representative to re-state their grievance and say how they think it should be resolved.
- 10.4 The manager should aim to enable open discussion and dialogue which may lead to an amicable solution.
- 10.5 The employee's representative may respond on their behalf to any views expressed at the meeting and they may confer with the employee during the meeting. The representative does not, however, have the right to answer questions on the employee's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

- 10.6 The manager may decide to adjourn the meeting if:
- either party requires a break from proceedings;
 - new information comes to light and the manager feels that further investigation is required in order to respond to the grievance (including consideration of whether there may be a disciplinary or capability case to answer);
 - the manager wishes to consider their response about how to deal with the grievance if further time for reflection and proper consideration is needed
- 10.7 In cases where the manager decides further investigation is required, the meeting shall be reconvened at another reasonable time and an investigation should be conducted in accordance with section 6 above).
- 10.8 Once the manager is satisfied that all the facts of the grievance have been established the meeting shall be concluded with the manager summing up the main points.
- 10.9 The manager will, wherever possible, announce their findings and recommendations for resolving the grievance, at the end of the meeting.
- 10.10 The decision will be confirmed in writing to the employee as soon as possible following the meeting and without unreasonable delay. The written decision will:
- explain the reasons on which the decision(s) has been taken
 - set out any actions that will be taken to resolve the grievance
 - advise the employee of their right to appeal.

11 Possible Outcomes

- 11.1 When considering an appropriate outcome, the manager should always focus on resolving the complaint and on preventing the matter from arising again. The outcome might be:
- that the grievance is not upheld and no further action will be taken
 - recommended action(s) to resolve an upheld complaint or complaint upheld in part
 - recommended action(s) that will re-establish positive working, learning and relationships for all parties to the complaint
- 11.2 Particularly where the recommended actions affect another employee, the manager should give careful consideration to confidentiality of all parties concerned when considering the detail that will be provided in the outcome.

12 Right of Appeal

- 12.1 Where the employee feels that their grievance has not been satisfactorily resolved they have a right to appeal. Grounds of appeal must be made in writing and be clear. Any appeal will be managed in the same way as appeals under the disciplinary policy and procedure.