

LANCASHIRE CHILDREN'S SERVICES AUTHORITY

SCHOOL SUPPORT STAFF

MODEL PROCEDURE FOR SETTLING INDIVIDUAL GRIEVANCES – SCHOOL LEVEL (REVISED AUGUST 2018)

1. PURPOSE

- 1.1 This procedure is intended to enable a grievance to be resolved fairly at the earliest opportunity and at the lowest appropriate supervisory level. Before pursuing the formal grievance procedure, it is essential to distinguish whether the matter of concern has actually been raised as a grievance under the procedure or simply raised for clarification with management.
- 1.2 Under the ACAS Code of Practice a grievance is defined as 'a concern, problem or complaint that an employee raises with their employer' in relation to another member of staff the Headteacher or the Governors and not a matter which has been raised for clarification.
- 1.3 This procedure is published as part of the staffing policies for the Governing Body of **The Blessed Sacrament Catholic Primary School**.

2. SCOPE

- 2.1 This procedure applies to all permanent and temporary, full and part-time employees, excluding those under School Teachers Pay and Conditions, who are employed by the Governing Body or otherwise subject to the powers of the Governing Body.

3. GENERAL PRINCIPLES

- 3.1 All documentation and discussions at meetings held under this procedure are confidential.
- 3.2 All employees will have access to this procedure and will be provided with a copy on request. Any employee lodging a grievance at the informal stage will be provided with a copy of the procedure.
- 3.3 The employee may be accompanied, if he/she so wishes, by a fellow worker or Trade Union representative at any stage within this procedure. If an employee cannot attend a meeting held under this procedure, the employee can suggest another date so long as it is reasonable and not

more than five working days after the date originally proposed by the employer. This time limit may be extended by mutual agreement.

- 3.4 This procedure excludes matters relating to Bullying & Harassment complaints if the school has prescribed a separate procedure for this, and any other matter for which the school has adopted a separate procedure. The procedure will be used to deal with grievances in relation to grading and a hearing of the Grievance Committee of the Governors shall provide the final appeal right on such matters within the Authority.
- 3.5 Where time limits have unreasonably lapsed, the employee shall be entitled to continue to the next stage (subject to (3.6) below).
- 3.6 The parties may, where necessary and by mutual agreement, modify the time limits referred to in the Grievance Procedure. In addition, where the procedure is used to consider grading issues, it may be necessary to extend the time limits to enable investigations to be undertaken.
- 3.7 The procedure may, by agreement of the parties concerned, be used where more than one individual has the same grievance for settling a common grievance.
- 3.8 It is expected that a grievance will be raised as soon as possible and in normal circumstances, within one month of the event occurring.
- 3.9 At any meeting convened under this procedure, access to an adjournment should not be unreasonably refused.
- 3.10 With the exception of a grievance against the Headteacher or Governing Body, governors are not involved prior to the formal stage of a grievance.
- 3.11 The Clerk to the Governors, in setting a date for a meeting to consider the appeal stage of a grievance, will inform the Governors that a full report is to be submitted to them. An attempt by any Governor to elicit further details, at that stage, would be inappropriate. .

In order to allow consideration of a grievance, the under-mentioned procedure will be followed:-

4. INFORMAL PROCEDURE

- 4.1 The employee should discuss the grievance with his/her immediate supervisor.
- 4.2 The supervisor should reply orally as soon as possible but within two working days.

5. FORMAL PROCEDURE – STEP 1

- 5.1 If the employee continues to be aggrieved, he/she should set out the full nature of the grievance in writing within 5 working days of the supervisor's response (if the matter was initially raised under the formal procedure. If not, paragraph 3.8 applies). The grievance should be forwarded to the Headteacher/Principal (or representative e.g. Deputy Headteacher).

6. FORMAL PROCEDURE – STEP 2 - HEADTEACHER MEETING

- 6.1 The Headteacher/Principal (or representative) will call a meeting within five working days. A note shall be taken of the meeting and the decision, including the right of appeal, shall be confirmed in writing within 3 working days.
- 6.2 If the Headteacher/Principal is the subject of the grievance, in exceptional circumstances, the meeting may be facilitated and chaired by the Chair of Governors. In all circumstances the Grievance should be submitted to the Headteacher. Advice should be sought from a member of the Schools' HR Team. The Chair's decision, including the right of appeal, should be confirmed in writing within three working days.

7. FORMAL PROCEDURE – STEP 3 – MEETING OF THE GRIEVANCE COMMITTEE

- 7.1 If the employee is not satisfied with the decision taken in respect of his/her grievance, s/he must, within 5 working days of the date of formal notification of the decision, inform the Clerk to Governors, in writing, of his/her wish to appeal. The employee must enclose a copy of the original statement of grievance (see Step 1 above) and any related documentation and decisions. The Clerk to Governors will then refer the matter to Grievance Committee of the Governing Body, which shall be established for this purpose.
- 7.2 The Grievance Committee shall be arranged, wherever possible, within ten working days with the interested parties. The meeting shall be documented and the decision normally confirmed in writing within three working days.
- 7.3 The procedure to be followed at the meeting of the Grievance Committee is outlined in Annex 1.

7.4 Other than in circumstances under paragraph 8.2, the decision of the Grievance Committee will be final and no further right of appeal or hearing will be allowed under this procedure.

8. GRIEVANCE AGAINST THE GOVERNING BODY

8.1 Where the employee's grievance relates to the functions of the Governing Body, there is provision for members of staff to make representation to the Governing Body on matters of concern.

8.2 In such cases, the formal stage will begin with referral to the Grievance Committee of the Governing Body and, if the employee continues to be aggrieved, the matter will be referred to the Grievance Appeals Committee.

9. GRIEVANCES RAISED WHERE DIFFERENT PROCEDURES HAVE ALREADY COMMENCED

9.1 Where a grievance is raised during the formal stages of a different procedure and the grievance relates to matters already under consideration as part of that other procedure, this would normally be dealt with as part of that other procedure.

10. GRIEVANCES RAISED WHERE AN EMPLOYEE IS LEAVING/HAS LEFT EMPLOYMENT

10.1 There is no legal requirement for employers to hear grievances from ex-employees. However, where an employee who has formally raised a grievance leaves employment prior to their grievance being considered they should be asked to confirm in writing whether or not they wish to pursue their grievance.

ANNEX 1

PROCEDURE TO BE FOLLOWED AT THE MEETING OF THE GRIEVANCE COMMITTEE OR GRIEVANCE APPEALS COMMITTEE

- 1) The employee and Headteacher/line manager are entitled to be present at all times except when any matter falls solely to the Committee to consider.
- 2) Both parties may be accompanied by a representative and all references to the employee and Headteacher/line manager shall be taken to include their representatives.
- 3) The Chair will invite the employee and Headteacher/line manager, in that order, to make submissions to the meeting and invite cross examination.
- 4) The introduction of relevant additional documentary evidence will be allowed.
- 5) The employee and Headteacher/line manager, in that order, will have the right to call witnesses, who will be available for questioning by both the employee and Headteacher/line manager and by the Governors.
- 6) The Chair will invite the members of the Committee to ask questions of the employee and/or Headteacher/line manager and witnesses.
- 7) Witnesses will only remain at the meeting for so long as they are giving evidence or being questioned.
- 8) The employee and Headteacher/line manager will, in that order, have the right to make a final or closing statement to the Committee.
- 9) All other parties will then withdraw and the Committee will consider the grievance and reach a decision.
- 10) The Clerk to the Governors, if present, should take no part in the proceedings, but will remain with the Committee to provide procedural advice. He/she may also make available any notes taken of the evidence and will record the decision of the Committee.
- 11) If the Chair decides that further questions need to be asked, or clarification is required, the full meeting will be resumed.
- 12) Any CSA or Diocesan officer present will provide advice, as requested, to assist the Committee in coming to a decision.

- 13) When the Committee of Governors have reached a decision the employee and Headteacher/line manager will be asked to return to the meeting and the Clerk to the Governors will communicate the decision.
- 14) The Clerk to the Governors will document the proceedings of the meeting and will confirm the decision in writing to the employee, Headteacher/line manager, their representatives and the Governors who heard the case within three working days of the conclusion of the meeting. The Clerk to the Governors will indicate whether there are any further rights of appeal and the procedure for exercising those rights.

Note

Where the Clerk to the Governors is not present, the clerking function will be carried out by the CSA Officer, if present, or a member of the Committee.