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Grievance Procedure for School Based Staff

Adopted by The Meadows Sports College: November 2016

Signature: Chair of Governors.....

Date of Review: November 2017

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1. General Principles

- 1.1 This procedure is based on a Model Grievance Procedure established under the contracts of Employment Act 1972 and follows the principles laid down in the Burgundy Book (for teaching staff) and the provisions of the Green Book (for other school based staff). It also accords with paragraphs 6(1) and 6(2) of Schedule 3 of the Education Reform Act 1988.
- 1.2 Every employee covered under the scope of this procedure has a right to raise any grievance or dispute relating to their employment. It is not intended that it should be applied to collective disputes, which should be referred to the Executive Director for Education in the first instance. The purpose of this procedure is to ensure that the complaints or concerns of employees are properly considered and resolved and that settlement of the grievance is achieved as near as possible to its point of origin.
- 1.3 In order to facilitate this it is accepted by Trade Unions, Governing Bodies and the Council that until such time as the procedure is exhausted the **status quo** shall prevail and that the Trade Unions and their members shall refrain from industrial action of any kind in support of a matter being dealt with in accordance with this procedure until such time as the procedure is exhausted.
- 1.4 Grievances can arise from a variety of sources. They can arise between members of staff, or as a result of action by the Head Teacher or the Governing Body. They can take a variety of forms and each needs individual consideration.
- 1.5 It is important to recognise that many potential problems and difficulties can be, and should be, resolved informally. The formal procedures are intended to be used for problems, which are serious in themselves or serious because they remain unresolved after informal steps have not achieved a satisfactory outcome.
- 1.6 Grievance procedures must incorporate principles of natural justice. It follows that complaints and allegations must be carefully investigated.
- 1.7 The procedure must enable a grievance to be resolved informally, however it should also provide a formal procedure for situations where the informal procedure is inappropriate or has failed.
- 1.8 Employees shall be advised of their right to consult with their Trade Union and the right to representation at all stages of the procedure.
- 1.9 To ensure fairness and equity, previous decisions made at any stage of this grievance procedure can be considered at subsequent hearings but do not set a precedent for similar grievances.

- 1.10** A copy of this procedure shall be made available to all staff in the school.
- 1.11** Grievances must be formally lodged with management within 3 months of the incident taking place.

2. Definitions

2.1 For the purpose of this procedure an individual grievance is defined as a grievance arising from any act or omission of the Governing Body, the Council or its employees and associated with the employee's employment other than a grievance relating to:

2.1.1 Exclusions

- The Disciplinary Procedure
- Income Tax or Social Security matters
- The rules of Pension schemes; or

- Any matter relating to an employee's grade, rate of remuneration or other term or condition of service which is regulated by a collective agreement except where the grievance relates to the interpretation or the application of a particular provision to an individual employee.

- A grievance shall not be taken against any employee for pursuing reasonable action concerned with preventing, or reducing risks to the health and safety of other employees and /or pupils or students or any acts covered by Confidential Reporting (Whistle blowing) Policy. The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 provide specific rights for workers who disclose information about alleged wrong doings in certain in specific circumstances.

2.2 For grievances concerning or any matter relating to discrimination or any other form of harassment/victimisation or bullying, e.g.:

- Persistent and unwanted harassment after the employee has made it clear (preferably in writing) to the harasser that the "attentions" are unwelcome and offensive.
- Allegations against staff of illegal discrimination in relation to allocation of work.
- Unsatisfactory responses in relation to complaints concerning the application of the Schools employment policies and procedures.
- Misuse of power or position or knowledge to persistently criticise and condemn; to openly humiliate and professionally undermine an individual's professional ability. The bully can be more underhand in their actions and uses more subtle devices to dominate and manipulate.

The above points should be dealt with under the School's Harassment Policy and Procedure.

3. Informal Stage

- 3.1** The majority of employment grievances will be resolved through informal discussion. All areas of concern should be initially raised verbally through this channel.

4. Stage 1 (Head Teacher/Chair of Governor)

- 4.1** If the employee considers that the grievance has not been resolved by informal action, (s)he may request formal consideration of his/her grievance by the Head Teacher. If the grievance relates to action specifically taken by the Head Teacher or a Governor, formal consideration will be given to the matter by the Chair of Governors. The request must be made in writing and must specify the grievance precisely within 3 months of the incident taking place.
- 4.2** Within 7 working days of receipt of such a formal request, the Head Teacher/Chair of Governors will arrange a meeting with the employee and their representative.
- 4.3** The employee (and/or representative) may make oral representations to the Head Teacher/Chair of Governors. The Head Teacher/Chair of Governors may receive oral representations from other parties where they deem this to be appropriate. The Head Teacher will inform the employee in writing of the outcome and any recommendations made. This letter should identify the appeals process should the employee remain dissatisfied with the outcome.

5. Stage 2 (Staffing Committee)

- 5.1** The employee is dissatisfied with the result of the Head Teacher's/Chair of Governors consideration of the grievance, (s)he may, within 7 working days of receipt of the outcome of stage 1, request a hearing before the Staffing Committee of the Governing Body, appointed for the purpose.
- 5.2** If such a request is made, the Head Teacher/Chair of Governors will arrange a meeting of the Staffing Committee within 15 working days of receipt of the request.
- 5.3** The Head Teacher/Chair of Governors and the employee (and/or representative) may make oral representations to the committee. The committee may receive oral representations from other parties where they deem this to be appropriate.
- 5.4** Before the Staffing Committee considers their decision, the Head Teacher/Chair of Governors and the employee (and/or representative) should withdraw.
- 5.5** The Staffing Committee of the Governing Body should consider the Head Teacher's/Chair of Governors report, statement from the employee and any oral representations made before coming to a decision.
- 5.6** The Staffing Committee should consider the grievance and inform both parties in writing of the result and of any recommendations made within 10 working days.

6. Stage 3 (Appeals Committee)

- 6.1** If on completion of Stage 2, the employee remains dissatisfied with the result of the Chair of the Staffing Committee's consideration of the grievance, (s)he may, within 10 working days of receipt of the outcome of stage 2, request a hearing before the Appeals Committee of the Governing Body, appointed for the purpose.
- 6.2** The employee must put in writing his/her reason for being dissatisfied with the results of the consideration by the Staffing Committee within 10 working days.
- 6.3** If such a request is made, the Chair of the Staffing Committee will arrange a meeting of the Appeals Committee within 15 working days of receipt of the request and prepare a written report for presentation to the Appeals Committee.
- 6.4** The Chair of Staffing Committee and the employee (and/or representative) may make oral representations to the Appeals Committee. The Appeals Committee may receive oral representations from other parties where they deem this to be appropriate.
- 6.5** Before the Appeals Committee considers their decision, the Chair of the Staffing Committee and the employee (and/or representative) should withdraw.
- 6.6** The Appeals Committee of the Governing Body should consider the Chair of the Staffing Committee's report, any written statements and any oral representations made to them, before coming to a decision.
- 6.7** The Appeals Committee should consider the grievance and inform both parties in writing of the result and of any recommendations made within 10 working days.
- 6.8** The decision of the Appeals Committee is final.

7. General Matters

- 7.1** The above timescales may be altered by mutual agreement for operational or availability reasons. Where no such agreement has been reached and the prescribed time limit has not been adhered to the employee(s) or their representative shall be entitled to proceed to the next stage in the procedure. The point at which the procedure is entered may also be varied as appropriate by mutual agreement of the Trade Union(s) and the Governing Body.
- 7.2** Should an employee have concerns relating to an issue for which the LEA are responsible for and have control over, then the employee should write to the Personnel Manager who will refer the matter to the appropriate Director.

Appendix 1

