



A GRIEVANCE PROCEDURE FOR ALL STAFF EMPLOYED BY RAVENSBURY COMMUNITY SCHOOL

Status of this Document

1. This document has been agreed with the professional associations and trade unions which represent staff working in schools with delegated budgets in the City. It covers all staff and is commended to governing bodies for their formal adoption. It supersedes a document agreed in 1992 which is now withdrawn. The Head Teacher should ensure that copies of this new procedure are easily accessible to all members of staff.

Legal position

2. It is a statutory requirement that each school with a delegated budget shall have a grievance procedure in respect of those staff for which the governing body discharges the functions of the employer. The Dispute Resolution Regulations of 2004 (made under Sections 29 to 41 of the Employment Act 2002) set out a new legal framework within which all grievance procedures must work. This Document meets all statutory requirements.

Definitions

3. The Dispute Resolution Regulations (2004) define a grievance as “a complaint by an employee about action which his employer has taken or is contemplating taking in relation to him”. The ACAS Code (2004) describes the word “complaint” as including terms such as “concerns” and “problems”.

4. There can be no comprehensive list of all those issues which would automatically be treated as grievances under the provisions of this procedure but examples which have been dealt with in the past include:

Terms and conditions of employment

Health and safety

Relationships at work

Bullying and harassment

New working practices

The working environment in the school

Changes to the way in which a school is organised, structured or managed

Equal opportunities

5. This procedure is intended to deal with matters of genuine concern and substance where no other procedure would be appropriate. The following matters should therefore not be raised as grievances under the provisions of this Document (see also paragraphs 6 and 7):-

Any act or omission arising from industrial action

Any matter which is subject to disciplinary action

Any matter which is subject to the capability procedure

6. In matters of pay, the Pay Policy of the governing body (in line with statutory guidance issued by the Secretary of State) makes specific provision for pay grievances to be dealt with.

7. In matters of bullying and harassment the governing body has a separate policy and associated procedure. Bullying and harassment are defined in Section 4 of that policy and Annex 1 to that document provides more detailed descriptions and examples. Reference to that policy should be made at the earliest stage to establish whether its procedures offer a more constructive and expeditious means of addressing the concern.

8. This procedure provides a mechanism whereby those charged with managing the school and those involved in its governance can address particular issues fairly, consistently and speedily. All staff have the right to seek redress on matters relating to their employment and to be accompanied (by a trade union representative or friend) at all meetings held under the provisions of the Document (see paragraphs 27 and 28). The ability to offer redress in this way is a good employment practice to which all schools will wish to aspire

9. Where the grievance involves more than one member of staff consideration should be given to resolving the matter through the collective agreements involving the trade unions/professional associations rather than dealing with each grievance separately.

RAISING A GRIEVANCE

The informal stage

10. It is the intention of this procedure that most grievances are resolved at the informal stage. All parties should have this as their objective. Grievances resolved at the informal stage are more likely to endure and to reduce the anxiety and stress of all those involved. Staff should be encouraged to speak to each other and those in positions of authority should always be willing to take grievances seriously. Professional associations/trade unions have a particularly important and constructive role to play at this stage.

11. A member of staff should in the first instance inform their line manager of their grievance (unless another individual is nominated for this purpose). If the grievance involves the line manager then the member of staff should approach that person's line manager.

12. The aggrieved staff member should approach any other member(s) of staff concerned to seek to resolve the grievance by discussion or, if necessary, in discussion with the Head Teacher or other appropriate senior member of staff. The aggrieved staff member shall have the right to be accompanied at any such discussions. The staff member against whom the grievance is being pursued shall have the same facility. No staff member shall be required to approach any person against whom they have a grievance if they feel uncomfortable in doing so. The individual may instead put their concerns to the person in writing.

13. It should be noted, however, that although a grievance may be raised orally at the informal stage and the line manager should always respond to an oral grievance, the matter cannot subsequently be pursued to an Employment Tribunal unless the grievance has been served in writing and the line manager has had a period of 28 days in which to respond. A member of staff should therefore consider carefully whether she/he wishes to present their grievance in writing. The advice of their trade union/professional association should be sought.

14. Whilst school managers can call on the services of their Management Support Adviser in grievance matters it would not normally be appropriate to seek their attendance at meetings called as part of the informal stage, although he/she would be available to advise on matters of procedure, conduct etc.

15. It will be for the parties concerned to determine what written records (if any) will be made of the discussions and whether and where they should be retained. As the discussions will be held on a confidential basis, the parties should also agree whether the Head Teacher is to be informed. The normal practice should be that in all cases the Head Teacher is informed of the fact that the procedure has been invoked and the names of the parties involved. It will be for the parties to determine whether any of the detail should be made known to the Head Teacher. Where the matter relates to the effective operation of the school, the presumption should be that the Head Teacher will be informed as he/she has wider statutory responsibilities to discharge.

The formal stage

16. Where, for whatever reason, it has not been possible to achieve a resolution of the matter to the satisfaction of the aggrieved party at the informal stage or where the line manager has not responded within 28 calendar days the staff member should initiate the formal stage of this procedure.

17. The formal stage will commence when the aggrieved member of staff presents his/her concerns in writing to the Head Teacher. The aggrieved staff member should seek the advice of her/his trade union/professional association before making a written submission (i.e. the grievance letter). The written submission should be sufficiently detailed as to enable the Head Teacher to have a clear understanding of the precise nature of the grievance. It will assist the Head Teacher if the outcome which the aggrieved party is seeking is also made clear.

18. The Head Teacher will convene a meeting within 10 working days of receipt of the grievance letter. A longer period is possible with the agreement of the parties. There will be no avoidable delay. The meeting will normally take place during the working day. The Head Teacher will take all reasonable steps to agree a date, time

and a venue with the parties and their companions. They, in turn, will make every reasonable effort to attend.

19. All parties will have the right to be accompanied and will be notified of this in the letter inviting them to the meeting. The Head Teacher may invite the school's Management Support Adviser to attend the meeting.

20. The aggrieved staff member should be given the fullest opportunity to state and explain his/her case and state how /she feels it should be resolved, including conciliation. The staff member against whom the grievance is being pursued should be afforded the same opportunity. If a point is reached in the hearing when the Head Teacher is unsure how the grievance can be progressed or considers that further investigation is required the hearing can be adjourned.

21. The Head Teacher will give the matter serious consideration and within 10 working days of the conclusion of the meeting, and having consulted his/her Management Support Adviser, will inform, in writing, the aggrieved party, and the person against whom the grievance is being pursued, of her/his conclusion. The letter will also inform the aggrieved party of his/her right to appeal. If, for any reason, it is not possible to respond within 10 working days the staff member should be given a written explanation for the delay and told when a written response can be expected.

Appeal Stage

22. An appeal must be lodged in writing with the Chair of Governors within 10 working days of receipt of the Head Teacher's letter. The letter must set out clearly the specific reasons for the continuing dissatisfaction.

23. The Chair of Governors will convene a special meeting of the governors' committee which will normally comprise the Chair and two other governors. None of the governors involved will have a prior knowledge of, or a prior involvement in, the matter. The meeting will be called within 10 working days or as soon as is practicable having regard to the commitments of the governors. The date, time and venue will be agreed with the relevant parties who will have the right to be accompanied by their trade union/professional association representatives. They, in turn, will make every reasonable effort to attend. The relevant parties will be notified in the letter of invitation that this meeting constitutes the final stage in the procedure. The governors' committee will be advised by a member of the Management Support Group other than the one who advised at the first hearing.

24. The staff member should be given the fullest opportunity to state and explain his/her case and state how he/she feels it should be resolved. If a point is reached in the hearing when the Chair is unsure how the grievance can be progressed or considers that further investigation is required the hearing can be adjourned.

25. The governors' committee will give the matter serious consideration and within 10 working days of the conclusion of the meeting, and having consulted the Management Support Adviser present at the appeal, will inform the relevant parties and the Head Teacher, in writing, of their conclusion. If, for any reason, it is not possible to respond within 10 working days the staff member should be given a written explanation for the delay and told when a written response can be expected.

26. The decision of the governors' committee will be final.

The right to be accompanied

27. All staff members have the right to be accompanied at a grievance meeting. It is for the staff member to determine who that companion shall be and to establish her/his availability to attend meetings. The Head/Chair of Governors should be informed of the identity of the companion before the meeting.

28. The companion should be allowed to address the meeting in order to:- (a) outline the staff member's case (b) sum up the staff member's case and (c) respond on the staff member's behalf to any view expressed at the meeting. The companion can also confer with the staff member during the hearing. The companion should be permitted to participate as fully as possible in the hearing, including asking questions of the witnesses. The companion has no right to answer questions on the staff member's behalf, or to address the meeting if the staff member does not wish it, or to prevent the case of the other party being presented or explained.

Grievance involving the Head Teacher

30. Where the grievance involves the Head Teacher, the Chair of governors will hear the matter at the formal stage (as in paragraphs 16-21). In the eventuality of an appeal the Vice Chair of Governors will take on the responsibility of acting as Chair of the Appeal Committee.

Grievance involving an individual governor

31. Where the grievance involves an individual member of the governing body the above procedure will apply save that in the eventuality that the governor involved is the Chair any meeting of the Appeal Committee will be chaired by the Vice Chair of Governors.

Grievance involving the Governing Body or a Committee of the Governing Body

32. Where the grievance involves the Governing Body or a Committee of the Governing Body the above procedure will apply save that at the informal and formal stages the Governing Body/Committee will nominate up to two of their number to represent them. In the eventuality of an appeal the grievance will be referred to a specially convened ad hoc committee comprising one member nominated by the governing body, one member nominated by the staff member and one member nominated by ACAS who will act as Chair.

Modified procedure for former staff members

33. The modified procedure must only be used where (a) the aggrieved staff member has left the employment of the school (b) it has become not reasonably practical to have a meeting or an appeal and (c) the Head Teacher was not aware of the grievance before the employment ended or was aware but the full procedure had not started or had been started but was incomplete at the time of the cessation of the staff member's employment. Both parties to the grievance must agree in writing beforehand that the modified procedure is to be used rather than the full procedure.

34. The former staff member must set out in writing his/her grievance and the basis for it. This document or a copy of it must be sent to the Head Teacher. The Head Teacher must respond to this document in writing and send that response or a copy of it to the former staff member.

35. If the provisions of paragraphs 33 to 34 above have been met in full the statutory requirements in respect of a grievance procedure will be deemed to have been met.

Keeping records

36. It is important, and in the interests of both the school and the staff member, to keep written records during the formal grievance process. The records should include;- the nature of the grievance raised, a copy of the written grievance, the Head Teacher's response, the action taken, reasons for the action taken, whether there was an appeal and, if so, the outcome and/or subsequent developments

37. Records should be treated as confidential and kept in accordance with the Data Protection Act 1998 which gives individuals the right to request access to certain personal data. All such records should be made available to both parties.

Notes

1. This procedure will NOT apply where:- (a) the staff member is no longer employed at the school and it is no longer practicable for him/her to comply with the arrangements described in the informal stage above (but see below) ; (b) the staff member wishes to complain about an actual or threatened dismissal; (c) the staff member wishes to complain about action short of dismissal to which the school's disciplinary procedure applies, unless the grievance is that this involves unlawful discrimination or is not genuinely on grounds of capability or conduct.

2. This procedure does not apply when a staff member raises a concern (known as a "protected disclosure") in accordance with the relevant provisions of the 1996 Public Interest Disclosure Act. In such circumstances the staff member should contact the Chief Operating Officer (or in his absence/non availability the Head of Management Support) and will be entitled to attend a meeting with that person, away from the normal workplace, in order to communicate their concern(s). The staff member might wish to seek advice from his/her professional association/trade union.