

BISHOP WORDSWORTH'S SCHOOL

STAFF GRIEVANCE POLICY AND PROCEDURE

A Statutory Policy

Note: *'Is to', 'are to' and 'must' are obligatory. 'Should' is not obligatory but is best practice and is to be adhered to unless non-compliance can be justified.*

INTRODUCTION

1. This Policy is designed to enable individual staff to raise grievances about their employment. The Policy provides an open and fair way for employees to make known their problems and enables grievances to be resolved quickly and as near as possible to their point of origin.
2. It recognises that most routine complaints and grievances are resolved informally in discussions with the employee's immediate line manager. Where the informal process fails, or it is inappropriate, the formal procedure may be invoked.
3. The Policy may be followed for any matter directly arising out of an employee's employment, except where another more specific policy/process exists for that purpose. These other policies/processes cover:
 - a. Redundancy/redeployment.
 - b. Standards of performance, including appraisal, capability etc.
 - c. Discipline and disciplinary appeals.
 - d. Harassment.
 - e. Whistle-blowing.

Note: grievances are not to be registered if they are in these areas.

4. An employee has the right to be accompanied by a colleague, friend or representative of a recognised professional association or trade union at any meetings undertaken within the formal stages of these procedures. An employee is to be informed, in writing, of this right.
5. A record of the outcome of any meeting involving the formal stages of these procedures is to be filed in the employees' file, together with copies of the written evidence considered and correspondence involved.
6. Copies of this policy document shall be made freely available to all employees of the school.
7. **Scope.** This Policy applies to all members of staff employed directly by Bishop Wordsworth's School (the School). Because the School is a small organisation with limited resources, the Governing Body reserves the right to reduce the number of stages within the Procedure, but the principle of first seeking early informal resolution remains.
8. **Unfounded Complaints.** Employees who abuse the Grievance Policy by making unfounded vexatious complaints may be liable to disciplinary action.
9. **Anonymous Complaints or Evidence.** Anonymous complaints/ evidence or hearsay evidence are not to be investigated nor accepted as evidence in the procedure described below.

10. Definition of Grievance. A grievance is defined as ‘a complaint by an employee about action which their employer has taken or is contemplating taking in relation to them’, regarding for example:

- a. Terms and conditions of employment.
- b. Working conditions.
- c. Working hours.
- d. Unfair treatment.
- e. Health and safety.
- f. Relationships at work.
- g. Equal opportunities.
- h. A breach of statutory employment rights.
- i. Where an employee feels that a conditions of employment has been incorrectly used against them;
- j. New working practices.
- k. Equality.

INFORMAL PROCEDURE

11. The School aims to ensure that the majority of concerns can be resolved by informal discussions. This Procedure is intended to provide a structured approach that, taking into account the particular circumstances of each case, will ensure consistent and fair treatment. It is expected that an informal grievance will be raised as soon as possible after the act or decision complained of or, if the grievance refers to a series of linked events, the last act or decision.

12. Where an employee has a grievance with a member of staff at the school (“the colleague”) other than the Head, the employee should attempt to resolve the matter by a direct approach to the colleague.

13. If a direct approach is not practicable or if a direct approach does not resolve the problem, then the employee should discuss the matter with a senior member of staff or the Head who is to endeavour to resolve the problem personally.

14. Wherever the employee seeks a discussion with a senior member of staff or Head, the request is to be met, if possible, within 5 working days.

15. Where an employee has a grievance with the Head or with Governors, then the employee should seek a meeting with the Head. This request is to be granted, if possible within 5 working days.

16. At any meeting, the employee has the right to be accompanied by a colleague, friend or representative of a recognised professional association or trade union.

17. Where the Head has a grievance with a colleague or with the Governors, then the Head is to attempt to resolve the matter by a direct approach to the colleague or the Chair of Governors.

18. If a grievance is not resolved by a direct approach, or if a direct approach is not practicable, then the Head may seek further HR advice.

19. If the matter cannot be resolved informally, it is to be dealt with in accordance with the formal grievance procedure below.

FORMAL PROCEDURE

20. **Investigation.** Depending on the complexity and nature of the grievance it may be appropriate to appoint an investigating officer. An investigation may commence at any stage of the process. It is the investigating officer's responsibility to investigate fully the complaints made including all events leading up to the grievance. The investigator is to interview all parties and witnesses ensuring that they understand the purpose of their investigation and the sensitivity and confidentiality of the matter. When the investigation is completed a report is to be compiled by the investigator containing a summary of findings and details with regard to witness's interviews and including appropriate copies of the interview notes. If carrying out an investigation might delay the process, all parties involved are to be advised accordingly.

21. **Formal Stage 1.** If the grievance is not resolved by informal discussion the employee may put the grievance in writing to their direct line manager. On receipt of a written grievance the manager is to endeavour to resolve the matter and to give a response to the grievance within 5 working days in consultation with the Head.

22. **Formal Stage 2 - Staff with a Grievance Other than the Head.** If the employee feels that the matter has not been resolved, they may put the grievance in writing to the Head and the colleague (if the colleague is not the Head). The written notice is to set out the details of the grievance and the redress sought. It is to include any supporting documents. The following action is then to be taken:

- a. The Head is to arrange for a member of the Leadership Team or an investigator to prepare a written report for consideration at a hearing by the Head or a panel of governors (whichever is most appropriate). The report is to be copied to all parties at the same time.
- b. If required, the Company Secretary in consultation with the Chair of the Governing Body is to form a panel of at least three non-staff governors who have no interest in the case.
- c. If the colleague is not the Head, the written report is briefly to outline any steps taken under the informal stage of the grievance procedure and indicate that the colleague has been asked to make available to the employee and investigator, a written response to the notice of grievance, accompanied by any supporting documents. If the colleague is the Head, the report is to comprise a response to the grievance and be accompanied by any supporting documents. If the grievance is with a governor or governors, the report is to include details of the actions of the governors.
- d. A meeting is to be convened for the Head /Panel of Governors to consider the grievance within 4 weeks of receipt of the notice of grievance (unless circumstances make this impractical).
- e. The employee and colleague have the right to be accompanied at the meeting by a colleague, friend or representative of a recognised professional association or trade union.
- f. The following documentation are to be made available to the Head /Panel of Governors and all parties who are attending at least seven working days before the meeting:
 - (1) The notice of grievance.
 - (2) The written report.
 - (3) The written response (if appropriate).
 - (4) Any other supporting documents.

g. The meeting is to be run in accordance with the guidance outlined in Annex A of this Procedure.

23. Formal Stage 2 - When the Head has a Grievance. If the Head feels that the matter has not been resolved through informal discussion, he may submit a written notice of grievance to the Chair of Governing Body and the colleague (if the grievance is with a colleague rather than the Governing Body). The written notice is to set out the details of the grievance and the redress sought. It is to include by any supporting documents. The following action is then to be taken:

a. The Chair of Governing Body is to prepare or have prepared a written report for the consideration of a Panel of Governors.

b. The Company Secretary in consultation with the Chair of the Governing Body is to form a panel of at least three non-staff governors who have no interest in the case.

c. The written report is to outline any steps taken under the informal stage of the grievance procedure and, where the grievance is with a colleague, confirm that the colleague has been requested to provide (to the Chair of the Governing Body and Head) a written response to the notice of grievance, accompanied by any supporting documents.

d. If the grievance is with a governor, the report is to include details on the actions of the governors.

e. A meeting is to be convened for the Panel of Governors to consider the grievance within 4 weeks of receipt of the notice of grievance (unless circumstances make this impractical).

f. The Head and colleague have the right each to be accompanied by a colleague, friend or representative of a recognised professional association or trade union.

g. The following documentation is to be made available to the Panel of Governors and parties at least seven working days before the meeting:

- (1) The notice of grievance;
- (2) The written report;
- (3) The written response (if appropriate);
- (4) Any supporting documents.

24. The meeting is to be carried out in accordance with the guidance outlined in Annex A, of this Procedure.

APPEALS

25. There is a right to appeal against the decision of made under Formal Stage 2. An appeal is to be heard by an Appeals Panel of the Governing Body which is to exclude any Governors previously involved in the case.

26. Notification of intention to appeal may be given by the employee and by the other party in the case.

27. The notification of intention to appeal, setting out the grounds for appeal, is to be sent to the Company Secretary copy to the Chair of the Governing Body within 14 days of the receipt of the decision. A meeting to hear the appeal is to be convened as soon as possible.

28. A copy of the notification to appeal is to be sent to the parties in the original hearing inviting them to make a written response to the grounds of appeal.

29. A copy of the notification is also to be sent to the Head (if not previously involved in the process).

30. All parties have the right to be accompanied to the Appeal by a colleague, friend or representative of a recognised professional association or trade union.

31. The following documentation is to be made available to the Governors and all parties by 7 working days before the meeting:

- a. Notification of appeal setting out the grounds.
- b. The original documentation in the case.
- c. Any further supporting documents submitted by the parties.

32. The meeting is to be carried out in accordance with the guidance outlined in Annex A of this procedure.

33. The decision of the Governing Body is final.

GRIEVANCES RAISED AT END OF EMPLOYMENT

34. Staff may raise a grievance in a resignation letter, in an exit interview, or in a written submission within thirty days of the end of their final contractual working day. In this case, normal grievance hearing procedures would apply.

35. If an ex-employee raises a grievance more than 30 days after they have left the employment of the School consideration is to be given as to the appropriateness of investigating the grievance further. Where it is felt appropriate the following process is to be adopted:

- a. The ex-employee is requested to forward in writing their grievance and the basis for it.
- b. The School responds in writing.
- c. If appropriate a Governors' Panel is convened to consider the grievance.

36. Staff who leave employment whilst their grievance procedures are in process are to be asked formally in writing by the Head or Governing Body (depending on the nature of the hearing and the subject of the grievance) whether or not they wish to continue with the hearing.

GRIEVANCES RAISED DURING A DISCIPLINARY OR CAPABILITY PROCESS.

37. If an employee raises a grievance during a disciplinary or capability process a decision is to be taken as to whether it is appropriate to run both processes concurrently particularly where the cases are related.

EVALUATION AND REVIEW

38. This Policy will be reviewed annually by the Governors.

39. This Policy was adopted after a major re-write by the Governing Body on 19.10.12 and re-adopted on (dates in parenthesis indicate no change): (13.06.13), (12.06.14), 09.09.14 (Para 35 change), (02.07.15), (28.06.16), (20.06.17), (26.06.18), 25.06.19

ANNEX

A. The Formal Grievance Resolution Procedure - Procedure at Hearings.

**THE FORMAL GRIEVANCE RESOLUTION PROCEDURE
PROCEDURE AT HEARINGS**

TERMINOLOGY

1. In this procedure the terms used are defined as follows:
 - a. The "Employee" means the person who has initiated proceedings under the formal grievance procedure'
 - b. The "Colleague" means the other party to the grievance; both terms include their personal representatives.
 - c. The "Panel" means the Governors Panel or the Head if he is conducting the Meeting (not for an appeal)
 - d. At appeal stage the "Appellant" means the "Employee" as defined above.

ACTION BEFORE THE MEETING

2. All parties are to be sent written notification of the hearing (with copies for any representatives) to be received not less than seven working or ten consecutive days (whichever is the smaller) before the hearing.
3. The written reports of all parties shall be submitted to the Panel hearing the grievance setting out details of the grievance and any steps already taken to resolve the matter. Copies of all documentation shall be sent to all parties at the same time as the notice of the date and time of the meeting.
4. Both the Employee and Colleague are entitled to attend the hearing and to be accompanied by a work colleague or Trade Union representative and to call witnesses and produce relevant documents.

PROCEDURE AT THE MEETING

5. The Chair of the Panel is to introduce those present, explain the purpose of the hearing and the procedure to be followed, and is to establish whether witnesses are to be called by either side.
6. The Employee is to state the case in the presence of the Colleague and may call such witnesses as they consider appropriate.
7. The Colleague may ask questions of the Employee and of the witnesses on the evidence given by them.
8. The Panel may ask questions of the Employee and witnesses.
9. Where appropriate the Investigating Officer may ask questions of the Employee and witnesses as appropriate.
10. The Colleague is to be asked to respond to the grievance that has been raised.
11. Where appropriate the Investigating Officer is to present the findings of the investigation.
12. The Colleague may call any witnesses.
13. The Employee may ask questions of the Colleague and any witnesses.
14. The Panel may ask questions of the Colleague and witnesses.

15. Where appropriate the Investigating Officer may ask questions of the Colleague and witnesses.
16. Both parties may sum up their cases, the Colleague's side has the right to do so last.
17. The Employee, Colleague, Investigating Officer and any witnesses shall withdraw.
18. The Panel, and any advisory officer present, shall deliberate in private, only recalling both parties together to clear points of uncertainty on the evidence already given. The Company Secretary (or other minuting secretary) shall also remain. If recall is necessary, both sides are to return even if only one is concerned with the points giving rise to doubt.
19. During deliberation, the Panel is to find with regard to the substantive merits of both sides. In this respect they may wish to give a determination on a particular matter with regard to the possible recurrence in the future of similar circumstances.
20. The Chair of the Panel is to announce the decision and/or recommendation(s) to both sides, personally or in writing as the Panel may determine, but the findings are to be confirmed in writing within seven consecutive days of the decision being taken, with reasons for any action taken and an explanation of the right of appeal (not for appeal meetings).

PREVIOUS KNOWLEDGE OR INTEREST

21. Anybody who has previously been concerned in a grievance is not to be involved in the deliberations of the Panel of Governors or Appeal Panel although they may appear before the Panel either as a witness or to present the case. Any advisor asked to attend is not to have been previously involved in the matter in question.