St John and St Nicolas Schools Federation

For the good of all through curiosity, creativity and love

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St John and St Nicolas Schools Federation
Grievance Procedure

At St John and St Nicolas Schools Federation, our vision is 'For the good of all – through curiosity, creativity and love.' This vision inspires everything that the federation does. It applies equally to all the federation's policies with the intention that our policies impact as fairly and positively as possible to meet the needs of all members of our schools' community.

1. Purpose

1.1 This formal grievance procedure exists to ensure fair and consistent handling of grievances raised by staff within the federation.

1.2 The governing board recognises the right of every employee to express a grievance and to be given a fair hearing.

2. Applicability

2.1. Grievances are concerns, problems or complaints that employees raise with their employers. Issues that may cause grievances include:
Discipline and Grievances at Work – The ACAS Guide

- Terms and conditions of employment
- Health and safety
- Work relations

- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

2.2. This procedure applies to all employees of the federation.

2.3. The grievance procedure does not apply when:

2.3.1. The employee wishes to complain about an actual or potential dismissal under one of the federation's formal procedures;

2.3.2. The employee raises a concern as a 'protected disclosure' such as whistle blowing in compliance with the Public Interest Disclosure Act (1998);

2.3.3. The employee wishes to complain about action short of dismissal to which the federation's disciplinary procedure applies, unless the grievance is that this involved unlawful discrimination or is not genuinely on grounds of conduct. These would normally be considered as part of the disciplinary process;

2.3.4. The employee wishes to complain about matters being dealt with under the federation's capability procedure, unless the grievance is that this involved unlawful discrimination or is not genuinely on grounds of capability. These would normally be considered as part of the capability process;

2.3.5. The employee wishes to complain about matters related to selection for redundancy. These would normally be dealt with under the appeals section of the federation's redundancy procedures;

2.3.6. The employee wishes to complain about matters being dealt with under the federation's Sickness Absence procedures. These would normally be considered as part of the sickness absence management process;

2.3.7. The complaint is a group complaint or grievance. These are dealt with under the employee relations arrangements agreed between the federation and recognised trade unions.

2.3.8. A teacher wishes to complain about a performance-related pay decision. These appeals should be raised under the process set out in the federation's Pay Policy.

3. Roles and Responsibilities

3.1. The governing board has a statutory obligation to establish procedures relating to the conduct and discipline of staff, including procedures "by which staff can seek redress for any grievance relating to their work at the school" (regulation 7 of the School Staffing (England) Regulations 2009). It is responsible for ensuring that all staff are made aware of the procedures.

3.2. The executive headteacher has overall responsibility for ensuring that formal grievances are dealt with appropriately in accordance with this procedure.

3.3. Where the grievance raised concerns about the executive headteacher, the chair of governors is responsible for ensuring that this procedure is followed.

3.4. Where a grievance is raised by the executive headteacher, the chair of governors is responsible for ensuring that the procedure is followed. If the grievance relates to the actions of the chair or other governors, the chair should seek advice from the federation's HR provider and the Head of Education Services about managing the process.

4. General Principles

4.1. The grievance procedure will be available to all federation employees so that grievances can be properly considered.

4.2. Employees may wish to raise complaints about their employment. These can often be resolved informally by their immediate line manager. However, where an employee states in writing their wish to raise a formal grievance this procedure must be followed.

4.3. A grievance may be raised by an employee personally, or on behalf of the employee by a trade union representative.

4.4. An employee raising a grievance may be accompanied and/or represented by a Trade Union Representative or a work colleague at meetings held at any stage of this procedure.

4.5. Written records will be kept during the process and treated as confidential. Formal minutes will be given to the employee if taken.

4.6. Time limits may be altered by mutual agreement.

5. Step One – registering a grievance

5.1. If an employee decides that their grievance cannot be resolved informally, they should put the grievance in writing, with the help of a trade union representative if desired.

5.2. The written grievance should state clearly;

5.2.1. The nature and extent of the grievance

5.2.2. The resolution sought by the employee

5.3. The employee should address their written grievance to the executive headteacher. The executive headteacher will either decide to hear the grievance them self or choose to instruct another suitable person to hear the grievance.

5.4. In circumstances where the grievance relates directly to the executive headteacher, the employee should put the grievance in writing to the chair of governors. The chair of governors will identify a governor to hear the grievance.

5.5. In circumstances where the grievance has been raised by the executive headteacher, the headteacher should put the grievance in writing to the chair of governors. If the grievance relates to the actions of the chair, the grievance should be put to the vice-chair. In the absence of the chair or vice-chair the grievance should be directed to the clerk to governors who should seek advice from Education Services and the federation's HR provider. Employees with disabilities are encouraged to seek support and advice about reasonable adjustments to the process from their trade union, the investigating officer and/or the federation's HR provider. This may include assisting employees to formulate a written grievance if they are unable to do so.

6. Step Two – the grievance hearing

6.1. The person identified to hear the grievance will arrange a grievance hearing to discuss the matter with the aggrieved employee. The hearing will normally take place no later than 20 working days after receipt of the written grievance by the executive headteacher/chair of governors. The employee will be informed by the person hearing the grievance of their right to be accompanied and/or represented by a trade union representative or work colleague.

6.2. The employee will be allowed to state their grievance at the meeting, and will be asked to indicate their resolution.

6.3. Where appropriate, the person hearing the grievance may adjourn the hearing in order to investigate the matter further. Where appropriate, the person hearing the grievance

may appoint an investigating officer, not connected to the issue, to carry out the investigation.

6.4. An investigation may include meetings with witnesses who can provide information about the subject of the grievance and examination of documentary evidence including emails, correspondence and other records. The investigating officer will determine the plan for the investigation based on the information presented by the employee at the grievance hearing and their suggestions, together with any other investigation as they see fit.

6.5. Where the employee's grievance amounts to an allegation of bullying/ harassment/ discrimination by another employee of the federation, the officer may find that the matter should be investigated under the disciplinary procedure.

6.6. The person hearing the grievance will respond to the employee's grievance in writing, within 5 working days of the hearing, or the reconvened hearing where there has been an adjournment. The response will inform the employee of their right to appeal if the resolution sought by the employee has not been granted.

7. Step Three – appeal

7.1. Where the employee is dissatisfied with the outcome of the grievance hearing they may appeal. The employee must register their appeal by writing to the clerk to governors within 5 working days of receiving the written outcome of the grievance hearing (or reconvened hearing where there has been an adjournment.)

7.2. The chair of governors, will arrange for the appeal to be heard by a panel of three governors who have not previously been involved in the grievance.

7.3. The chair of the governor appeal panel will arrange an appeal hearing and will inform the employee of their right to be accompanied and/or represented by a trade union representative or work colleague.

7.4. At the appeal hearing the employee will be able to explain why they remain aggrieved and how they believe the grievance should be resolved.

7.5. The person who heard the grievance hearing at Step Two will normally attend the appeal to explain their decision to the governor appeal panel.

7.6. Where appropriate the governor appeal panel may adjourn to investigate the matter further.

7.7. The chair of the appeal panel will notify the employee of the decision in writing, within 5 working days of the appeal hearing, or the reconvened appeal hearing where there has been an adjournment. This decision will be final.

8. Grievances from ex-employees

8.1. There is no legal requirement to deal with grievances raised by ex-employees. However, headteachers may want to consider dealing with such grievances in order to identify possible employment tribunal complaints and, where possible and appropriate, prevent those grievances from becoming tribunal complaints. Advice can be sought from the federation's Human Resources provider.

9. Resolutions

9.1. The manager/ governor who heard the grievance (or the chair of a grievance appeal panel) will plan how any resolutions will be implemented. This may involve liaising with the executive headteacher or relevant managers within the federation. It may also

involve talking to the employee to agree how relevant people should be notified of the outcome of the hearing.

10. Postponements

10.1 Wherever possible a mutually agreeable date will be set for grievance hearings and appeals.

10.2. If the employee's representative is unavailable on either of two dates initially proposed the employee can suggest one more date so long as it is reasonable and no more than five working days after the latest date originally proposed. An extension to this time limit can be made by mutual agreement.

10.3. If an employee, or their representative, is unable to attend a hearing or appeal for reasons that were unforeseen at the time of the hearing was arranged (e.g. illness) then another hearing will be arranged. If the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision may be taken in the employee's absence.

10.4. Where the employee has a medical certificate which states that they are unfit for work, they will be given the option to either delay the hearing until their return to work, or for the hearing to take place in their absence.

11. Data Protection

11.1. The federation and WBC HR processes personal data collected during the investigation stage and any subsequent stages of the grievance procedure in accordance with data protection legislation. In particular, data collected as part of the investigation stage and any subsequent stages of the grievance procedure is held securely and accessed by, and disclosed to, individuals for the purpose of completing the grievance process.

11.2. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported to the federation's Data Protection Officer immediately. It may also constitute a disciplinary offence, which will be handled under the disciplinary procedure.

Appendix 1 – Suggested format for registering a Grievance

To: The Headteacher or Chair of Governors I wish to register a grievance under the Federation's Grievance Procedure.

The cause of my grievance is:
(This should set out clearly the nature and extent of the problem and include any relevant details)

I have taken the following informal steps to resolve the problem or grievance before invoking the formal grievance procedure:

I believe that my grievance could be resolved in the following way: