

HUMAN RESOURCES POLICIES AND PROCEDURES



Resolving Grievances

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This Policy has been Impact Assessed against the Equality Act 2010

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Statement of changes made in most recent version:

Version	Date	Description
1	04/08/2017	Policy title, layout, insertion of policy aim/summary, introduction, discrimination complaints, mediation.



Believing and Achieving Together

NORTHUMBERLAND COUNTY COUNCIL HUMAN RESOURCES POLICIES AND PROCEDURES

Resolving Grievances

1. Operational Summary

1.1 Scope

This procedure is recommended for adoption by the governing bodies of all maintained schools and academies. Roman Catholic voluntary aided schools may choose to adopt this procedure or the procedure published by the Catholic Education Service (CES).

The procedure applies to all employees at the school who are directly managed by the governing body. This includes situations where the grievance concerns a third party, such as a contractor or service user. Any staff who are not managed directly by the governing body, such as contractors, should raise their grievance under their own employer's grievance procedure.

Separate policies and procedures are available to deal with specific complaints of harassment and bullying (known as 'Dignity at Work') and protected disclosures in the public interest (known as 'Whistleblowing').

1.2 Policy Aim

The aim of this policy/procedure is to provide a framework for the prompt resolution of grievances from members of staff. It is intended to contribute towards good management/staff relations and should not be regarded, by any of the participants, as a confrontational process.

1.3 Policy Summary

The policy identifies how staff can raise a grievance, both informally and formally, and what alternatives may be available to them. It also sets out how a grievance will be dealt with, by whom and within what timeframe.

1.4 Consultation Process

Trade union representatives have been consulted on this policy. The policy will be communicated to all affected managers and will be available on the Human Resources pages of the Intranet.

2. Introduction

2.1 Grievances are concerns, problems or complaints that employees raise with their employer.

2.2 The Grievance Procedure is a means of allowing employees to raise issues about their work, working conditions or relationships with colleagues that they wish to be addressed and if possible, resolved. It is impossible to provide a comprehensive list of all the issues that may give rise to a grievance but some of the more common include terms and conditions of employment, health and safety, new working practices, working conditions and organisational change.

2.3 Grievances raised by employees may be of a relatively simple nature or of fundamental importance significantly affecting the employee's ability to work effectively.

2.4 Unresolved grievances are likely to detract from the achievement and maintenance of satisfactory work standards. All grievances should be examined carefully and dealt with as quickly as possible. Long delays can make the situation worse and may give employees the impression that their managers are reluctant to deal with their complaints.

2.5 This procedure has been written in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures, issued March 2015.

3. Purpose

3.1 The purpose of this policy and procedure is:-

- To ensure that grievances are dealt with promptly, in a fair and consistent manner;
- To ensure that employees are aware of their rights and obligations in respect of the grievance and appeals processes.

3.2 Employees should aim to settle most grievances informally, through informal discussion or mediation, without the need to invoke the grievance procedure.

3.3 This procedure cannot be used where separate specific procedures exist for “grievances” to be dealt with, e.g. appeals against the issue of disciplinary warnings, dismissals, redundancy, grades, or requests for flexible working. Grievances regarding ongoing redundancy, capability, disciplinary, sickness or disability proceedings will be dealt with through the stages in those cases.

3.4 Where an employee raises a grievance during an ongoing procedure such as disciplinary, capability or sickness absence management, the procedure may be temporarily suspended in order to deal with the grievance. Such a delay will generally only be considered where there is evidence that the employee has been unfairly treated in which case another manager should be brought in to deal with the case. Where the grievance and the other procedure are related it may be appropriate to deal with both issues concurrently.

3.5 Some grievances will be of a sensitive or controversial nature and a balance must be struck between the need to preserve confidentiality and the need for informed discussion on the issues raised.

3.6 This procedure cannot be used to favour one set of beliefs over another. The procedure aims to protect all employees and is not a charter to advance personal crusades or ideology.

3.7 Where a grievance relates to another employee it is essential that all employees are supported during the investigatory process. In this vein it is important that issues are investigated quickly and grievances are resolved as soon as possible. The manager should generally start by talking privately and informally to the individual about the concerns of their fellow employees.

3.8 Where an employee who has raised a grievance subsequently goes off sick, the employee’s Trade Union or other representative will be used to facilitate an investigation wherever possible.

3.9 The complainant and, where appropriate, the person(s) complained against are entitled to be accompanied by a Trade Union or by a work colleague at any stage of the procedure. It will be for the individuals involved to judge whether support at any particular stage should be active or rather more low-key.

4. Discrimination Complaints

4.1 Any complaints by employees of discriminatory bias or prejudice in employment matters on grounds of sex, race, disability or other personal factors or of sexual, racial or personal harassment should be pursued through the Dignity at Work Policy and Procedure.

5. Duties

5.1 **Governing Body** - The governing body of a maintained school must by law have procedures for dealing with grievances from employees about their employment.

Under the School Staffing (England) Regulations 2009, the governing body of a maintained school may delegate responsibilities for hearing formal grievances to one or more governors, to the headteacher or to one or more governors and the headteacher together. If the headteacher is not a member of the hearing body they may attend the formal grievance meeting and advise the governors, unless they are the subject of the grievance or there is some other conflict of interest. An appeals body drawn from the governing body will be responsible for hearing appeals under the separate Procedures for Hearings and Appeals.

In the event that delegation has been withdrawn from the governing body of a maintained school the local authority will follow this procedure, however a local authority officer will act as the hearing body and any appeal will be heard by the County Council's Staff Committee.

Academies have greater flexibility regarding the individual(s) who may hear grievances and appeals, however these arrangements should comply with the principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures, issued March 2015.

5.2 Managers - All managers are responsible for dealing with concerns and complaints raised by employees in a fair and consistent manner and attempting to resolve these without the employee needing to use the formal stage wherever possible.

5.3 All Employees - Employees should not be discouraged from registering a grievance if they feel they have just cause. Appropriate use of this procedure is regarded as the action of a responsible employee and staff will not suffer any detriment as a result of exercising their right.

Should it be found that a member of staff has raised a grievance vexatiously or purely out of malice or without reasonable belief, they may be subject to disciplinary proceedings.

6. Procedure

6.1 - Where the grievance procedure is invoked, unless agreed otherwise it is expected that the employees will continue working under their current working arrangements until the grievance has been investigated and an outcome has been established.

6.2 - Informal Stage

Employees should aim to resolve most grievances informally with their immediate manager. This allows problems to be raised and settled during the course of day-to-day working relationships and for matters to be settled quickly.

The majority of grievances should be resolved through informal discussion and usual management channels without the need to use the formal stage of the procedure.

Both the manager and the employee should keep a record of any informal meetings that take place.

6.2.1 - Mediation

This is an effective way of resolving disputes and is a voluntary process which will only be effective if both parties agree to it. It is a confidential process where the terms of discussion are not disclosed to any party outside of the mediation meeting. The aim of mediation is to help parties reach a solution to their problem and to arrive at an outcome that both parties are happy to accept. The mediator will not take sides, make judgements or give guidance, however they will be responsible for ensuring communication between both parties and building a consensus between the parties involved.

6.3 - Formal Stage

If it is not possible to resolve a grievance informally the employee should raise the matter formally and without unreasonable delay with the headteacher. If the headteacher is the subject of the grievance, the employee should raise the matter formally with the chair of governors. If the headteacher is employee raising the grievance, they should raise the matter formally with the chair of governors, unless the chair of governors is the subject of the grievance in which case the matter should be raised with another governor.

In all cases the grievance should be raised in writing and should set out the nature of the grievance. The person(s) with delegated responsibility to hear the grievance should arrange for a formal meeting to be held with the employee without unreasonable delay after a grievance is received, ideally within five working days of receiving the letter.

The person(s) with delegated responsibility may decide that there will be a group meeting if grievances on the same or similar grounds are submitted by two or more employees. In these circumstances the employees may select a representative employee or employees to attend the meeting, in which case there will be no additional right to an individual meeting.

The employee has the right to be accompanied by a Trade Union representative or work colleague at the meeting. All parties should make every effort to attend the meeting. If the employee's chosen representative is unavailable, the employee may propose a reasonable alternative within five working days.

At the meeting the employee should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary, for example if new facts arise.

Following the meeting the person(s) with delegated responsibility should decide what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and ideally within ten working days of the meeting. This should set out what action, if any, it is intended to take to resolve the grievance and include the employee's right to appeal. Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In certain circumstances (for example, to protect a witness) some information may be withheld.

It may be appropriate for the delegated person(s) to monitor and review any actions identified for an appropriate period.

In the case of maintained schools only: Where the implementation of any decision made by the governing body under this procedure requires any action which is not within the functions exercisable by the governing body but is within the power of the local authority, the local authority must take that action at the request of the governing body.

7. Appeal

If the grievance is not resolved to the employee's satisfaction, they should write to the clerk of the governing body within ten working days of receiving written confirmation of the decision and set out their grounds for appeal.

A meeting of the appeals body without unreasonable delay should be held under the arrangements set out in the appeal stage of the Procedures for Conducting Hearings and Appeals. The decision of the appeals body will be final. However, where either the employee or the appeal body consider that an important point of principle has arisen which lies outside the jurisdiction of the governing body then either party may attempt to have the matter resolved through any appropriate machinery that is available.