

## SCHOOLS MODEL GRIEVANCE PROCEDURE

PRODUCED BY HUMAN RESOURCE DIRECTORATE TRAFFORD COUNCIL

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|---------------------|--|
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| <b>Status</b>       | Consultation complete.<br>Policy distributed to schools for consideration and ratification.  |
| <b>Distribution</b> | Via Trafford Services for Education website.   |
| <b>Review</b>       | This procedure will be periodically reviewed in order that it remains appropriate for schools, is best practice and meet legal requirements. |

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## **INTRODUCTION**

Our school believes all employees should be treated fairly and with respect. We recognise there may be occasions where employees may have concerns about their work, working environment, or working relationships that they wish to raise and have addressed. This procedure sets out how the school will deal with these concerns to ensure they are dealt with fairly and quickly to avoid matters escalating.

The school is committed to attempting to resolve issues or concerns informally. It is therefore hoped that, wherever possible, concerns can be settled in this way, without recourse to the formal stage of the procedure.

## **SCOPE**

This procedure is intended to apply to all employees within the school, including the Headteacher.

This procedure does not apply to salary issues including the pay and grading of posts, income tax, national insurance, pension schemes, or in place of a formal stage or an appeal process within another HR procedure.

## **PRINCIPLES**

- Grievances must be raised within 3 months of the incident or action giving rise to it. A grievance raised outside of this timeframe may not be considered.
- Employees are advised to consult their Trade Union representatives. At all formal stages of the procedure, employees will have the right to be accompanied by a Trade Union representative or a work colleague of their choice. The companion will be allowed to address the meeting to present and sum up the employee's grievance and confer with the employee. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it, or prevent the staff involved from questioning the employee.
- Throughout the grievance process documentation will be shared with the employee, where appropriate.
- Records should be kept detailing the nature of the grievance raised, the school's response, any action taken and reasons for it. Records will be treated as confidential and kept no longer than necessary in line with the General Data Protection Regulations
- Where an employee becomes unwell during a grievance, or submits a grievance whilst absent due to sickness, resolution of the grievance is likely to contribute to their recovery. Efforts to resolve the issues raised should therefore continue during the period of sickness absence, where possible.
- A group of employees with the same grievance may raise the matter as a collective grievance under this procedure
- If an employee, or their representative, has a good reason for being unable to attend a Grievance/Appeal Hearing, it will be rearranged. If the employee is unable to attend the re-arranged hearing it will normally be heard in their absence and a decision made based on the information available at the time of the hearing.

- Employees may feel unsettled when employment processes are being discussed with them so we encourage managers to ensure that employee welfare is considered. This may include opportunities for additional conversations around wellbeing and signposting employees to external sources of support where appropriate.
- Where a school-based member of staff has a grievance against a Local Authority officer, the Trafford Council Grievance Procedure will be applied. Where a member of staff within the Local Authority has a grievance against a member of staff of the school, the school's Grievance Procedure will be applied.

## **EQUALITY, DIVERSITY, AND INCLUSION CONSIDERATIONS**

The Headteacher and Governors are responsible for ensuring that they operate this procedure in line with Equality and Diversity and Inclusion principles and the Equality Act 2010.

The school is committed to ensuring that no-one is discriminated against, disadvantaged, or given preference, through membership of any particular group, with particular regard given to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and pregnancy and maternity.

This procedure will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

### **STAGE 1 - INFORMAL**

Dealing with grievances informally can often lead to a quick resolution of the problem. Before a grievance moves onto the formal stage of the procedure, a serious attempt to resolve the matter must have been made under the informal stage.

If an employee has a grievance, they should firstly discuss it with their line manager, or with the other party if the grievance relates to the actions of another employee. If the grievance is against the line manager, the matter should be raised with a more senior manager.

The line manager, if it is deemed appropriate, may feel it necessary to discuss the grievance with the Headteacher to resolve the issue.

If the grievance cannot be resolved at the informal stage, the formal stage of this procedure should be followed.

### **STAGE 2 - FORMAL**

To instigate the formal stage of the grievance procedure, the employee should submit a completed Grievance Form to an appropriate manager/head teacher (or the Chair of the Governors if the grievance is in respect of the Headteacher). A copy of the Grievance Form can be found at Appendix A.

The form should include full details of the concerns including dates, times and witnesses where appropriate. It should include any other relevant supporting evidence available, the steps already taken to resolve the issue informally, and the outcome the employee is seeking from the process.

On receipt of the formal grievance, the manager/head teacher (Chair of Governors) will acknowledge receipt of the grievance and appoint an appropriate investigating officer who will arrange to meet with the employee as soon as possible, normally within 7 calendar days. It is recommended that the investigating officer is accompanied by a representative from Human Resources. At the grievance meeting, the employee will be able to discuss their concerns and any supporting information they have provided to help provide clarity on the matter. The employee should be informed of their statutory right to be accompanied as detailed in the principles above.

In cases where further investigation is required beyond the grievance meeting, it may be necessary to adjourn the meeting and reconvene once it has been fully investigated. Where this is the case, the matter should be investigated and the grievance meeting reconvened without unreasonable delay.

The outcome of the formal grievance meeting will be communicated to the employee (and any other employees if the grievance relates to the actions of someone else), in writing, normally within 14 calendar days of the grievance meeting being held, and any subsequent further investigations required, being concluded.

If it is not possible to respond within this time, the employee should be given an explanation for the delay and told when a response can be expected.

If the grievance is upheld, or partially upheld, the letter should detail any recommendations and/or actions resulting from the decision. The employee's manager will be responsible for ensuring that any actions are put in place and monitored as appropriate.

The outcome letter should advise the employee of their right to appeal the decision if they remain dissatisfied with the response given at Stage 2.

### **STAGE 3 – APPEALING THE OUTCOME**

An employee wishing to appeal the outcome given at Stage 2, should complete the grievance appeal form which can be found at Appendix B and submit it to an appropriate senior manager or Chair of Governors within 14 calendar days of receipt of the letter outlining the decision of the grievance at Stage 2.

Employees can raise an appeal if they feel:

- The outcome does not address all elements of their grievance.
- All relevant evidence has not been considered or has not been given sufficient importance.
- New evidence has come to light since the stage 2 decision which has not been considered.
- The Grievance Procedure has not been followed.

New matters will not be considered at this point and the original Grievance Form, along with paperwork from Stage 2, and the appeal form, will inform Stage 3 of the process.

Grievance appeals will be heard, as soon as is practicable, by an alternative officer, or the Appeals Committee of the Governing Body, in line with the constitution of the school. In exceptional circumstances it may be necessary for Governors from another school to form part of the Appeal Panel. It is recommended that the panel should be supported by a HR representative.

The employee should be informed of their statutory right to be accompanied as detailed in the principles above

The Appeal Hearing will be conducted in accordance with the provisions set out in Appendix C. The Panel will consider the grounds the employee has put forward for the appeal and discuss the resolution the employee seeks. The Panel will assess whether the conclusion reached in Stage 2 was appropriate. In exceptional circumstances it may be necessary to adjourn the hearing to allow further investigations.

The outcome of the Appeal Hearing may be communicated immediately at the end of the hearing and then confirmed in writing. Where the Appeal Hearing has been adjourned to allow the Panel additional time to deliberate on their decision, the outcome will be confirmed in writing as soon as is reasonably possible, and normally within 7 calendar days. The outcome letter should include reasons and any resulting actions where applicable.

The decision of the Appeals Panel will represent the final stage of the Grievance Procedure and there is no further right of appeal.

Where a grievance has been heard in accordance with this procedure, the member of staff cannot submit further grievances on the same topic. This provision seeks to ensure that the same grievance is not resubmitted if it is not upheld.

#### **GRIEVANCES AFTER LEAVING THE SCHOOL**

Where an employee leaves the school and then submits a formal grievance after their employment has ended, depending on the circumstances it may be appropriate to follow a simplified version of this grievance procedure. Advice from HR should be sought in the first instance.

**APPENDIX A Formal Grievance Form**

| <b>Formal Grievance Form</b>   |             |
|--|-------------|
| Employee Name:   |             |
| Job Title:   |             |
| Name of person your grievance is about (if applicable):  |             |
| Name of your line manager:   |             |
| Date of event:   |             |
| Summary of grievance:  |             |
| Details of any witnesses:  |             |
| Other supporting evidence:   |             |
| Details of informal steps taken to resolve the grievance and why it is felt that the issue has not been resolved informally (include dates):     |             |
| What resolution are you seeking?   |             |
| Do you wish to be accompanied at a formal Grievance Hearing by a work colleague, certified Trade Union representative or a Trade Union official? | Yes      No |
| Name of trade union representative / work colleague  |             |
| I request a formal hearing under Stage 2 of the Grievance Procedure  |             |
| Signed:  |             |
| Date:  |             |

**APPENDIX B Grievance Appeal Form**

| <b>Grievance Appeal Form</b>   |
|--|
| Employee Name:   |
| Job Title:   |
| Date of grievance hearing and name of the investigating officer  |
| <p>Summary of appeal – Please indicate on which ground(s) you wish to appeal:</p> <ul style="list-style-type: none"> <li>• The outcome does not address all elements of the grievance</li> <li>• Failure to follow the Grievance Procedure</li> <li>• Not all relevant evidence was considered / given sufficient importance</li> <li>• New evidence has come to light since the stage 2 decision, that was not previously considered.</li> </ul> <p><i>For each ground you are appealing on provide as much detail as possible. You may attached additional sheets if required.</i></p> |
| Details of any witnesses involved in your appeal whom you wish to call during the appeal:  |
| Other supporting evidence:-  |
| Outcome requested from the appeal – please outline what outcome you would like to see from your appeal and how you believe this will resolve the issue.  |
| Form completed by:   |
| Signature:   |
| Date appeal submitted  |

## **APPENDIX C Grievance Appeal Hearing**

1. On receipt of notification of a Grievance appeal, the relevant officer/Chair of Governors will inform the stage 2 investigating officer that an appeal has been lodged. They will also request that the investigating officer provides a written statement of the matter, any relevant evidence, and a list of witnesses (if applicable) normally within 21 calendar days of notification.
2. The employee appealing the decision should provide a written statement of their appeal case to the designated, including any relevant evidence, and a list of witnesses (if applicable), normally within 21 calendar days of notification.
3. An appeals panel, consisting of appropriate manager(s) or members of the school's Governing Body (excluding any parent or staff members) who have not previously been involved in the grievance.
4. The Chair of the appeals panel will distribute a copy of the order of proceedings and all relevant documentation to all parties involved in the appeal hearing, normally 7 calendar days prior to the hearing.
5. The procedure below will be followed at the grievance appeal hearing:-
  - i. The employee or their representative will outline the grievance appeal and calls witnesses, where appropriate.
  - ii. The stage 2 investigating officer may ask the employee, and any witnesses called, questions.
  - iii. The Appeal Panel may ask the employee, and any witnesses called, questions.
  - iv. The stage 2 investigation officer will respond to the employee's grievance appeal.
  - v. The stage 2 investigation officer may call witnesses, where appropriate.
  - vi. The employee may ask the stage 2 investigating officer, and any witnesses called, questions.
  - vii. The Appeal Panel may ask the stage 2 investigation officer who determined the outcome of the grievance, and any witnesses called, questions.
  - viii. Both parties will be asked to summarise their case.
6. The Appeals Panel may adjourn the proceedings at any time if they believe that it is necessary.
7. All parties leave whilst the Appeals Panel deliberates. The Appeals Panel with only the HR representative present, will deliberate, only recalling the employee (and their representative) and the stage 2 investigation officer (with HR support, if required), to clarify points of uncertainty on the evidence already given. If recall is necessary, both parties will return.
8. The Chair of the Appeals Panel will communicate the decision, with reasons, to both parties either verbally at the conclusion of the hearing or in writing as soon as possible, and usually within 7 calendar days of the hearing. If given verbally, the decision will be confirmed in writing.

For the purpose of the hearing, the decision of the Chair of the Appeals Panel will be final.