



**TAFF BARGOED
LEARNING PARTNERSHIP**
'Learning and Growing Together'

Grievance Policy

Grievance Policy & Procedural Framework for Schools

1.0 INTRODUCTION

Schedule 16 of the School Standards and Framework Act 1998 (SSFA) provides that, for Community Schools, the regulation of conduct at the school and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment, shall be under the control of the Governing Body. Schedule 17 contains a similar provision for Voluntary Schools.

Employees should always be encouraged to bring concerns in relation to their employment to the attention of relevant individuals. They are otherwise less likely to be productive and motivated in their roles which can adversely affect the overall aim of delivering high educational standards to children in our schools.

This procedure recognises the educational and legislative context and is designed to allow individual employees to raise concerns related to their employment and ensure that all such matters are dealt with in a fair and consistent manner.

2.0 SCOPE

This grievance procedure applies to all staff that are permanent or fixed – term employees within the establishment of a school, whether full-time or part-time, in teaching or support posts, including Headteachers and Deputies.

The staff grievance procedure deals with staff complaints in relation to alleged discrimination, harassment or victimisation of employees and matters involving working arrangements and conditions of service. Issues relating to teachers salaries should be considered under the statutory procedures set out within the Teachers Pay and Conditions document.

The grievance procedure does **not** cover the following matters:-

- Redundancy
- Sickness Absence
- Disciplinary and Capability issues
- External complaints in relation to a school employee

In addition, employees may not complain about the school's established policies and procedures if those procedures have been established via collective bargaining arrangements between the LEA/School and Trade Unions. However, a complaint about the way those policies and procedures have been applied should proceed.

3.0 PARTICIPANTS & RESPONSIBILITIES

3.1 Complainant

The employee should discuss their concerns with the relevant person(s) informally in the first instance. If their concerns continue the formal procedure should be initiated by putting the complaint in writing to the Headteacher (or Chair of Governors where the complaint is against the Headteacher).

3.2 Headteacher

The Headteacher should attempt to resolve staff complaints preferably via the informal route followed by formal proceedings if necessary. The Headteacher should nominate a member of the senior management team to investigate the matter. Upon the conclusion of the investigation, the Headteacher should decide whether the evidence supports the requirement for a hearing. Where necessary, the Headteacher can then arrange to hear the case to decide if they uphold the grievance. If the Headteacher is the complainant then they should contact the Chair of Governors for redress.

3.3 Chair of Governors

The Chair of Governors receives grievances from the Headteacher or members of staff wishing to complain about the Headteacher. He/she is responsible for nominating an investigator (normally a representative from Council's Human Resources section) and deciding whether the matter should be referred to the Staffing Committee [normally known as the First Committee] upon the conclusion of the investigation.

3.4 Staffing Committee of the Governing Body

The School Staffing Committee would normally hear Appeals where the complainant is dissatisfied with the Headteacher's decision. The Staffing Committee would also hear a Headteacher's grievance or one lodged against the Headteacher when the Chair of Governors considers there is evidence to support the complaint upon investigation. The second Staffing Committee would need to hear an appeal in these circumstances.

4.0 REPRESENTATION

Throughout the formal process both parties to a grievance may be represented by a recognised trade union representative or by a work colleague.

The trade union representative or work colleague may also address the meeting and confer with the employee, but may not answer questions on their behalf unless permitted by the Headteacher / Staffing Committee.

5.0 TIMING

The school should endeavour to expedite all matters relating to grievances and it is recommended that the investigation be completed within 20 days. However, it is recognised that on occasions grievances can be particularly complex in their nature and this may subsequently lead to extended timescales. On these occasions, participants in the process should be informed of the reasons for any delays.

6.0 PRELIMINARY INFORMAL PROCESS

Most routine grievances are best resolved informally in discussion with the employee's line manager. This can often lead to a speedy resolution of the problem.

In certain circumstances it may be helpful to seek external advice or assistance (normally from the Council's Human Resources section). An external facilitator may be able to resolve the problem by working with the parties to seek mutual agreement through an independent approach.

Where the grievance cannot be resolved informally then it should be referred to the formal procedure.

7.0 FORMAL GRIEVANCE PROCEDURE

7.1 Stage 1

The employee should put the grievance in writing to the Headteacher (or Chair of Governors if the grievance is against the Headteacher).

A formal grievance should normally be submitted no later than 28 days after the act or omission complained of, or no later than 28 days after the last act or omission in a series of linked events, unless there is a just and equitable reason for the delay.

A reasonable amount of detail should be provided, i.e. what is alleged to have occurred by whom and when. The employee should state what outcome he/she seeks by raising a formal grievance.

The Headteacher (or Staffing Committee in grievances involving Headteachers) should, where necessary, hear the case within 10 working days of the completion of the investigation. Both parties will be entitled to attend with representation. All documentation and names of witnesses will be distributed to all participants at least 2 working days before the hearing. The employee should be informed of the outcome, in writing, normally within 5 working days. If the grievance is not upheld, the employee must be informed of the right to take the grievance to a stage 2 hearing.

7.2 Stage 2 (Appeal)

If the employee is dissatisfied with the response at stage 1, they should notify the Clerk of the Governing Body in writing within 5 working days from receipt of the response. The notification must provide specific grounds such as why the employee is not satisfied with the outcome at stage 1 and what outcomes they are seeking at stage 2.

The grievance will be heard by a panel of at least three members of the Governing Body, normally from the Staffing Committee (or Second Staffing Committee for cases involving Headteachers), with advice from the School's HR provider as necessary. The panel will conduct the hearing within 15 working days of receiving notification from the Clerk.

The panel's decision will be final.

8.0 PANEL DELIBERATIONS

The Panel will consider what was said by all parties together with any written submissions. If the panel are confident that they have sufficient information to reach a decision then the decision should normally be given verbally to all parties and in any event confirmed in writing

within 5 working days. It is possible in some circumstances that, upon the grievance procedure being exhausted, a decision to uphold a staff grievance could result in the relevant Staffing Committee referring the matter to a separate Disciplinary Committee. This Committee would hear the case in accordance with the Schools Disciplinary Policy and Procedural Framework and would be able to issue sanctions as appropriate.

9.0 RECORD KEEPING

It is important that accurate records are kept throughout the process, including any initial informal process.

Records should be held in a secure and confidential manner. Often the issues raised by an employee are particularly sensitive and it is essential that information is shared on a need to know basis only.

ANEX I

CONDUCTING STAFF GRIEVANCE HEARINGS

Grievance hearings should follow a systematic sequence, achieving a balance between structure and informality - to ensure that the individual's views are fully explored.

The Headteacher / Chair of the relevant Staffing Committee should:

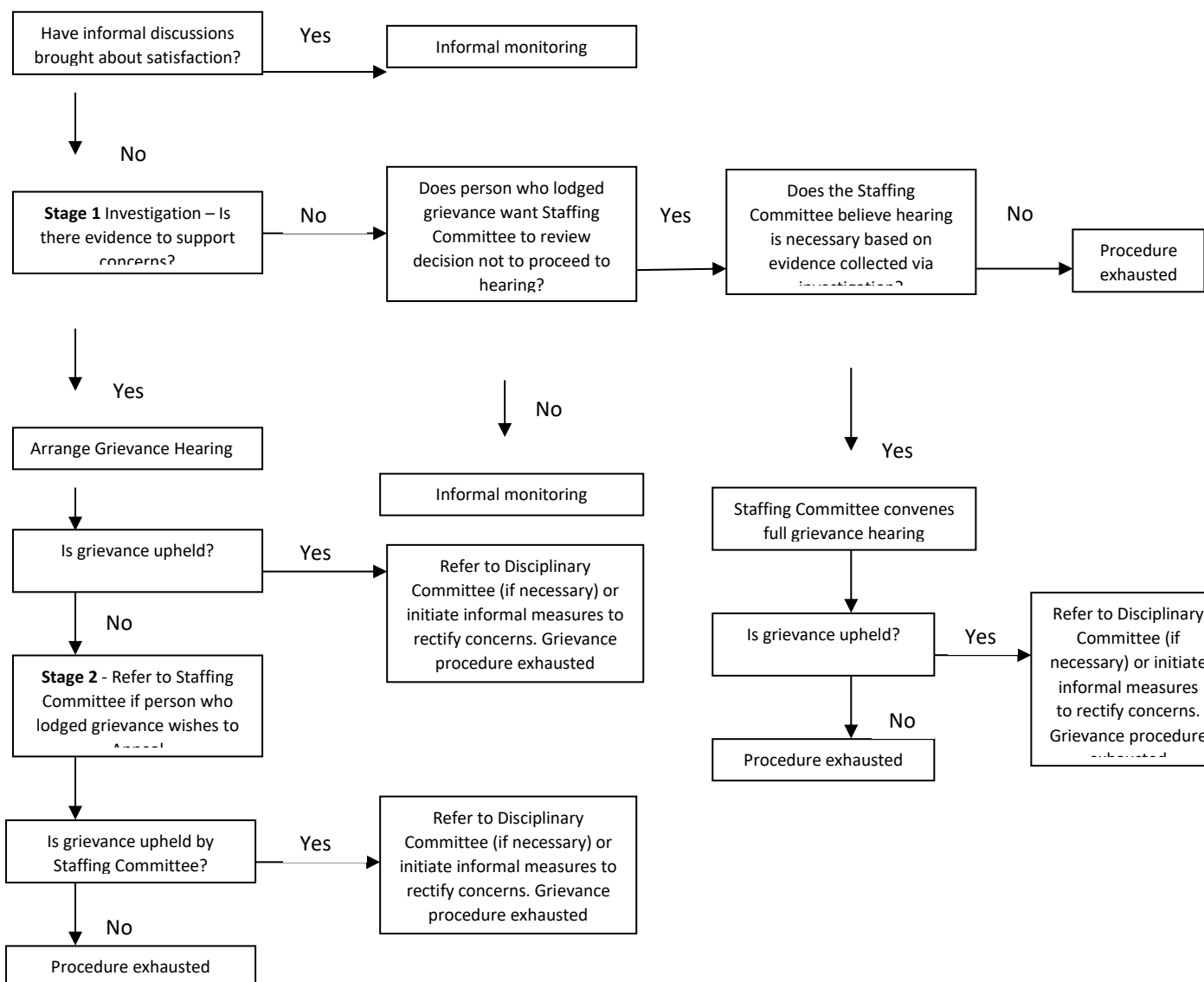
- introduce members of the panel and ask others present to do the same
- check everyone has the same papers
- explain how the meeting will be structured, including any time constraints
- provide opportunity for comments and clarification before commencement of meeting
- advise that should it become necessary to adjourn the meeting a target timescale for this will be agreed at the meeting
- Clerk to the Governors to minute the meeting.

The procedure should be as follows:

- the employee will introduce their submission and explain the general relevance of the complaint
- the panel may ask questions during or after the employee's presentation
- the employee may present witnesses who may be questioned by the panel and the respondent
- the respondent and / or representative to the grievance may ask questions at the end of the presentation
- the respondent and / or representative will respond and the panel may ask questions during or after the presentation
- the employee (or representative) may ask questions at the end of the presentation
- both parties will have the opportunity to sum up beginning with the employee bringing the grievance
- the panel will have a final opportunity to clarify any points.
- The panel will then adjourn the hearing to consider the complaint. All parties except the panel and anyone advising will then withdraw.

ANNEX 2

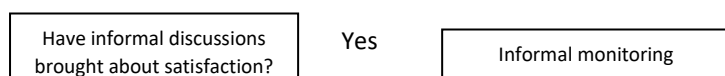
EMPLOYEE GRIEVANCE PROCESS – DIAGRAMMATIC VIEW

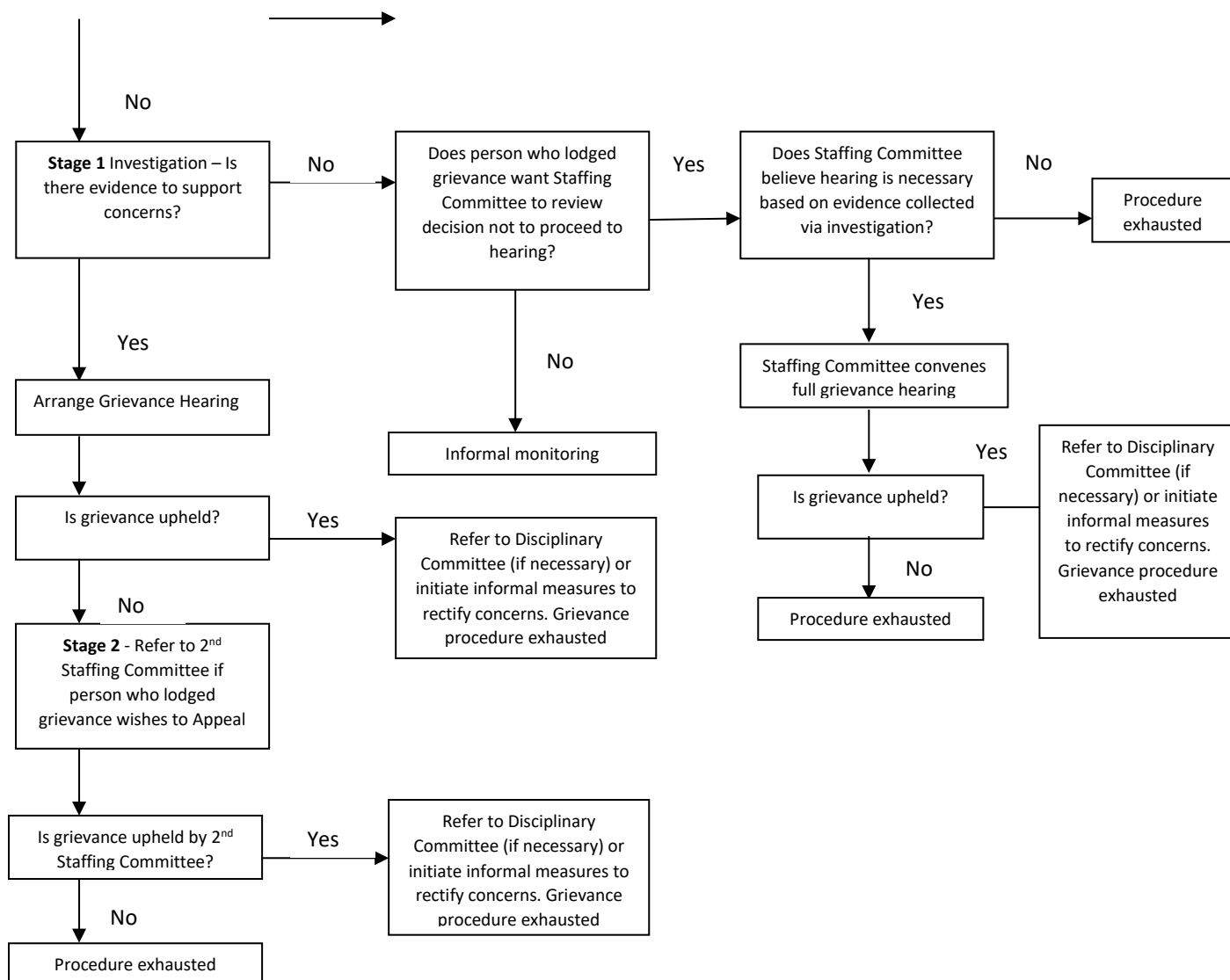


ANNEX 3

HEADTEACHER GRIEVANCE PROCESS – DIAGRAMMATIC VIEW

(For grievances lodged by and against the Headteacher)





Contact in writing should be made to the Chair of Governors