



GRIEVANCE PROCEDURE FOR ALL SCHOOL BASED STAFF

1. Introduction

The following procedure is provided for Governing Bodies and Headteachers as an example of good practice in dealing with individual grievances. It is offered in good faith but with the strong recommendation that advice is sought from Senior Management and/or Education Personnel of the Education Department at the earliest possible moment and throughout the progression of a specific case.

If the Governing Body chooses to adopt this procedure, details should be issued to all staff so that they are fully aware of their rights and obligations.

Should the Governing Body choose not to adopt this procedure, then it must negotiate and agree its own Grievance Procedure with all recognised Trade Unions. This then should be issued to all staff advising them that it is not the LEA recommended Procedure.

2. Policy Statement

It is recognised that from time to time employees may wish to seek redress for grievances relating to their employment. The school policy is to encourage free communication between employees and their line managers to ensure that problems arising during the course of employment can be aired and where possible resolved quickly and to the satisfaction of all concerned. Where possible all parties should endeavour to resolve issues directly between themselves before invoking the grievance procedure.

The decision to proceed with the grievance procedure or to withdraw from it at any stage lies with the person bringing the grievance. The responsibility of the school is to manage the process and provide the resources necessary for a resolution.

The following procedure should be adopted where an employee has a grievance arising from their employment except where:-

- i) The matter involves disciplinary/harassment issues which should be taken up in accordance with the appropriate policy.
- ii) The grievance relates to a grading issue in which case the matter should be dealt with under the Pay and Conditions Policy.
- iii) Matters relating to collective disputes for which a separate procedure applies.

3. **The Procedure**

- 3.1 The objective of this procedure is to resolve grievances, wherever possible at an early stage, and in an informal setting, but equally provides for more formal procedures in cases where an informal resolution is not possible.
- 3.2 In the interest of natural justice any grievance should be brought promptly and within a reasonable time.
- 3.3 Every employee has the right to be accompanied by a trade union representative or work colleague at all stages if they so wish.
- 3.4 All matters relating to grievances of employees fall into two distinct phases; the informal stage and the formal stages as outlined below.

4. **Informal Procedure**

If possible the employee should resolve any grievance informally and confidentially with the person about whose conduct they feel aggrieved. If the grievance is not resolved the grievance should be taken to the Headteacher for discussion. In the case of a grievance involving a Headteacher the role of the Head would be assumed by the Chair of Governors.

- 4.1 The role of the Head/Chair of Governors is to try and resolve the matter as soon as practicable without recourse to the formal procedure. The object at this stage is mediation. This will naturally involve representations from both the person raising the grievance and the person against whom the grievance is made. If the matter is not addressed within seven days of the grievance being raised then the employee may take the grievance to the next stage.
- 4.2 In exceptional circumstances it may not be appropriate for the matter to be discussed with the Head or Chair of Governors and may be dealt with more appropriately by another person for example, a work colleague or another Governor. This however, would have to be agreed by the two parties involved, and the person nominated as mediator.

Any Governor involved at this stage should not sit on any subsequent panel hearing the matter.

- 4.4 The nature of the grievance and the resolution agreed will be kept on file by the mediator for 12 months, and a copy provided to each party. The resolution should include a review date.

5. **Formal Procedure**

Stage 1

- 5.1 i) Where, following the informal stage, an employee is not satisfied with the proposed resolution he/she should raise the matter with the Grievance Sub Committee of the Governing Body. This should be done in writing to the Clerk to Governors within seven days of the informal proposed resolution.
- ii) Where at the review date an employee is not satisfied that the actions agreed at the resolution are being adhered to or have improved practice, he/she may move to the formal stage.
- 5.2 The Grievance Sub Committee will hear the grievance at a meeting at which both the employee raising the grievance and the person against whom the grievance is made have the right to be accompanied by their Trade Union representative or colleague. The Director of Education or his/her representative has the right to attend the meeting of the Grievance Sub Committee in order to give advice.

In the event of one party not attending it would be at the discretion of the Sub Committee as to whether the meeting should proceed.

- 5.3 The meeting should be held as informally as possible but should allow for:
- i. the Head/Chair (or any other person who has attempted to mediate) to outline details of the grievance case to date including his/her attempts at resolution.
 - ii. the employee/T.U. representative to outline the grievance and why the employee was dissatisfied with any informal resolution suggested or implemented.
 - iii. the members of the Grievance Sub Committee/Director of Education will have the opportunity of questioning the employee, as will the other party.
 - iv. the other party – his/her representative will be given the opportunity to respond to the grievance.

- v. the employee/Trade Union representative and members of the Grievance Sub Committee/Director of Education will have the opportunity of questioning the employee against whom the grievance is made.
 - vi. each party in turn will be given the opportunity to sum up. They will then be asked to withdraw from the meeting whilst the Grievance Sub Committee determines the grievance; the Director of Education is entitled to stay to offer advice but will take no part in the decision making.
- 5.4 The Grievance Sub Committee should consider all representations brought forward and give their proposed resolution in writing to both parties within 7 days of the meeting.

Stage 2

- 5.5 If the matter is not resolved by the Grievance Sub Committee of the Governing Body to the satisfaction of the employee, he/she may refer the matter to a Grievance Appeals Panel consisting of a minimum of three Governors of the Governing Body. This should be done in writing to the Clerk of Governors within 7 days of receipt of the Grievance Sub Committee's proposed resolution. The other party has a similar right of appeal.
- 5.6 A meeting of the Grievance Appeal Panel of the Governing Body (excluding those Governors on the Grievance Sub Committee) should be convened as soon as practicable and normally within 14 days of the receipt of the letter to consider the grievance.
- 5.7 The employee together with his/her T.U. representative or work colleague is entitled to be present at this special meeting as is the other party/T.U representative or work colleague. The Appeal Panel will have available, to advise them, the Director of Education or his/her representative.
- 5.8 The procedure to be followed at the Appeal meeting will be:
- i) the employee/Trade Union representative will be given the opportunity to present the grievance;
 - ii) the members of the Appeal Panel/Director of Education will have the opportunity of questioning the employee, as will the other party;
 - iii) the other party - his/her representative will be given the opportunity to respond to the grievance.

- iv) the employee/Trade Union representative and members of the Appeal Panel/Director of Education will have the opportunity of questioning the employee against whom the grievance is made.
- v) Each party in turn will be given the opportunity to sum up. They will then be asked to withdraw from the meeting whilst the Appeal Panel determines the grievance; The Director of Education is entitled to stay to offer advice.
- vi) The Appeal Panel may wish to announce its decision following the hearing; if so, both parties should be recalled to the meeting whilst this is done;
- vii) in any event, the decision of the Appeal Panel must be communicated in writing to both parties within 7 days of the meeting by the Clerk to Governors.
- viii) The Appeal Panel stage constitutes a judgement of the grievance. The Panel may advise or require certain actions by either or both parties involved or the school. Failure to comply with any requirement could be seen as misconduct and would then be dealt with in accordance with the School Disciplinary Procedure.

The decision of the Grievance Appeal Panel is final in respect of those matters which are within the purview of the Governing Body and there is no further right of appeal within the City and County of Swansea. This is subject only to referral to an Employment Tribunal or the Courts.