



Eastbrook School

Schools Grievance Resolution Procedure (Incorporating allegations of bullying and harassment)

Department of Children Services

Introduction

Council Policy for school based staff

The Council and Schools are committed to providing a working environment where individuals are treated with fairness, dignity and respect. This procedure allows employees to raise genuine workplace grievances and have them dealt with fairly, consistently, promptly, objectively and with a view of trying to achieve an agreed resolution.

The formal process is expected to be used, when informal methods of resolving a problem have been tried and have failed. The procedure is designed to deal with individual grievances or disputes only. It is not intended that it should be applied to collective disputes involving Trade Unions.

There is a need for guidance to Governing Bodies and Headteachers on a range of issues. One of these is a grievance procedure for all staff in Schools. This procedure is offered to Governing Bodies and Headteachers as an example of good practice for adoption across the borough. Uniform use of the procedure will ensure fair and equitable treatment for all staff. The procedure has been agreed with the Local Representatives of the Teachers' and Non Teachers' Trade Unions. Adoption and operation of this procedure should ensure that the Governing Body and the Headteacher operate in accordance with the following provisions:

Legal Context

The Framework for managing Grievances and Bullying and Harassment cases takes into consideration the provisions of the following:

Employment Protection (Consolidation) Act 1978 and other relevant employment legislation including the Employment Rights Act 1996 and the Employment Relations Act 1999.

Conditions of Service for School Teachers in England and Wales (Burgundy Book)

Conditions of Service for Support Staff in England and Wales (Green Book)

Conditions of Service issued to various school staff at the time of their employment and the letters which confirm their contract of employment

The Education Act 2002 (Section 35 (8) and Section 36 (8))

The School Staffing (England) Regulations 2009

ACAS statutory Code of Practice for Disciplinary and Grievance Procedures,

ACAS guidance on Bullying and Harassment at Work (effective from 6 April 2009).

Adoption of these procedures will ensure that the Governing Body will have the full support of the Local Authority in progressing cases. If a Governing Body chooses to adopt alternative procedures, then a copy of these procedures, together with the reason for their adoption, should be sent to the Director of Children's Services who will advise the Secretaries of the Trade Unions.

Governors must ensure that the adopted procedures are readily available to and understood by all staff members.

The Procedure is not intended to punish employees, but to try and resolve any grievances as quickly and as fairly as possible, at the lowest appropriate level and to avoid minor issues developing into more serious matters. It is not to be used to pursue malicious or vexatious complaints and to do so will be considered a disciplinary matter that may lead to dismissal.

Sources of grievances

Grievances can arise from a variety of sources. They can arise among members of staff or with the Headteacher. They can involve the Governing Body of the School. To effectively handle these situations, it is desirable to set out, firstly a procedure which may enable a grievance to be resolved informally and, secondly a formal procedure where the first procedure is not successful or has failed.

Grievances - Definition

The ACAS Code of Practice defines grievances as "concerns, problems or complaints that employees raise with their employer".

Grievances may be concerned with a wide range of issues such as; the allocation of work, physical working environment, working hours, health and safety, working relationships or general treatment at work.

Bullying and Harassment - Definition

The ACAS guide "Bullying and Harassment at Work" defines bullying and harassment as follows:

Bullying, as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".

Harassment, as "unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient".

Appendix 1 sets out the Council's policy on bullying and harassment, including allegations of a sensitive sexual, homophobic or racial nature etc.

Advice and Support

In order to avoid unfair treatment or discrimination, Governing Bodies and Headteachers should seek the advice and assistance from Human Resources at all stages in the operation of these procedures. Staff should also seek the advice and assistance of their Trade Unions at all stages. Every effort should be made by all parties to resolve a grievance informally before using the formal procedure.

Human Resources will support and advise Headteachers and Governors considering grievance matters raised through this Procedure. They will also monitor all formal grievances raised to ensure they are dealt with in accordance with this Procedure, employment and equalities legislation, and *best practice*.

Staff are entitled to be accompanied by a recognised trade union representative or a fellow work colleague at any meetings under the *Formal Resolution* process of the procedure. Further details of the additional advice and support available to employees are attached at **Appendix 2**.

Whistle-Blowing

The School has a Whistle-Blowing Procedure, for raising concerns about any alleged wrongdoing in the workplace e.g. fraud or corruption, unlawful acts or dangers to health and safety. Matters raised under the Whistle-Blowing procedure may be dealt with as a grievance. Please refer to your schools Whistle-Blowing Procedure.

Work colleagues not directly employed by the Council to work in Schools

Headteachers and Governors are strongly advised to seek advice from Human Resources on dealing with any grievance or bullying and harassment matter raised by agency workers or work colleagues not directly employed by the Council to work in schools.

2. Matters outside the scope of the Procedure

This procedure is available to all employees directly employed by the Council to work in schools, except in the following circumstances:-

- Complaints about the Council's statutory responsibilities as an employer.
- In response to being subject to another formal investigation or hearing under the Disciplinary, Managing Performance, Grievance or Sickness Absence procedures etc.
- To restart the procedure within 12 months of the completion of action in respect of the same or a similar grievance, (unless agreed recommendations have been broken or ignored).
- Any issues for which there is a separate appeals procedure e.g. pay, disciplinary or redundancy.
- Any personal matter not directly related to the member of staff's employment or conditions of service over which the council has no control.
- Collective disputes or matters, which are properly the subject of collective bargaining between the Council and trade unions, e.g., pay issues.
- To pursue malicious or vexatious complaints, **(to do so could be considered a disciplinary matter, the matter will then be dealt with under the schools disciplinary procedure and may lead to dismissal).**

- A matter that occurred more than 3 months ago.
- As a response to a grievance taken out by another member of staff.

3. Informal Resolution

Informal Grievances against another member of staff/Headteacher

Where an employee's grievance involves another member of staff or Headteacher s/he should first of all endeavour to resolve the matter by directly approaching the member of staff involved to discuss the matter, or by discussion with an appropriate senior member of staff. ***(It is expected that the member of staff concerned should also be seeking a resolution)***. The member of staff may wish to contact their TU Rep at this stage

If the approaches outlined above do not resolve the issue or are inappropriate (e.g. if the grievance is against the Headteacher) the member of staff should request a personal interview with the Headteacher to discuss the grievance. This meeting should be held with five working days of the request being made. If appropriate, the Headteacher should seek to resolve the problem by mutual agreement of the parties involved. The Headteacher may also seek advice from the officers of the Local Authority. The Headteacher may consult with Trade Union representatives as appropriate, provided the consent of the employee concerned has been obtained.

Employees' Responsibility

In seeking to resolve grievances informally, employees should:

- *explain the nature of their concern(s) and what action they feel should be taken to enable a resolution to be met*
- *agree, where possible, any appropriate action necessary to resolve their grievance*

Headteachers' Responsibility

Headteachers must arrange a confidential time and place to meet with the employee, as soon as possible, to discuss the matter. The Headteacher should:

- *ensure that the employee is given a full opportunity to explain their grievance*
- *ensure they have a full understanding of their grievance and how the employee thinks it should be resolved*
- *seek a means of resolving the grievance to the employee's satisfaction if this is possible, taking into account Schools policies, procedures, rules and the need for consistency and fairness*

Most issues should be resolved within 20 working days. Headteachers and employees should keep written notes of informal discussions.

Informal Grievances against the Governing Body

If the grievance is against the Governing Body, the employee should request a personal interview with the Chair or the Vice-Chair of the Governing Body. This meeting should be held within five working days of the request being made. The Chair or Vice-Chair should seek to resolve the problem and may seek advice from the Headteacher or officers of the Local Authority as appropriate.

Employee's Responsibility

The employee should:

- *explain the nature of his/her concern(s) and what action they feel should be taken to enable a resolution to be arrived at;*

- *agree, where possible, any appropriate action necessary to resolve their grievance.*

Chair of Governors/Vice Chair Responsibility

The Chair or Vice Chair must arrange a confidential time and place to meet with the employee, as soon as possible, to discuss the matter. The Chair/Vice-Chair should:

- *ensure that the employee is given a full opportunity to explain his/her grievance;*
- *ensure they have a full understanding of their grievance and how the employee thinks it should be resolved;*
- *seek a means of resolving the grievance to the employee's satisfaction if this is possible, taking into account Schools policies, procedures, rules and the need for consistency and fairness.*

Most issues should be resolved within 20 working days. Chair/Vice-Chair and employees should keep written notes of informal discussions.

Informal Grievances against the Local Authority

If a grievance is against the Local Authority the employee should request a meeting with the Director of Children Services or his/her nominated officer, who will seek to resolve the problem. This meeting should take place within five working days of the request being made.

Employee's Responsibility

The employee should:

- *explain the nature of his/her concern(s) and what action they feel should be taken to enable a resolution to be met;*
- *agree, where possible, any appropriate action necessary to resolve their grievance*

The Director/Nominated Officer's Responsibility

The Director or Nominated Officer must arrange a confidential time and place to meet with the employee, as soon as possible, to discuss the matter. The Director/Nominated Officer should:

- *ensure that the employee is given a full opportunity to explain their grievance;*
- *ensure they have a full understanding of their grievance and how the employee thinks it should be resolved;*
- *seek a means of resolving the grievance to the employee's satisfaction if this is possible, taking into account Schools policies, procedures, rules and the need for consistency and fairness.*

Most issues should be resolved within 20 working days. The Director/Nominated Officer and employees should keep written notes of informal discussions.

4. Formal Resolution

This is only available on completion of the *Informal Resolution* process as outlined above; employees cannot go directly to the *Formal Resolution* process without going through the informal process first.

Grievance against a work colleague or the Headteacher

Where the matter has not been resolved under the informal procedures referred to above, the employee concerned is advised to contact his/her Trade Union and discuss formal action. If recourse to formal action is decided upon, the member of staff concerned should write to the Chair of Governors, using the pro-forma at **Appendix 3**. The member of staff should outline clearly the reason(s) for his/her grievance with details of any events/actions (including dates, times and any witnesses) that triggered the complaint and say how they would like it resolved. If the

grievance or desired outcome is unclear, the employee may be asked to clarify his/her grievance before any meeting takes place. The Chair should then send a copy of the pro-forma to the Headteacher and a copy to Human Resources.

- a) The Chair should acknowledge receipt within 7 working days. Each Governing Body will establish a committee to consider grievances on its behalf. Where possible the committee should consist of three Governors (but no less than two) and the committee will have delegated powers. The membership of this committee should be separate from any other relevant committee including appeals or disciplinary and should not have been previously involved in the substance of the grievance.
- b) The committee will meet with the employee to consider the grievance (**see appendix 4**) within 15 working days of the date of receipt of the grievance by the Chair of Governors. If this is not possible, the Chair must write to the employee to explain the reason for the delay and give an indication of when the meeting can be expected; this should be within a maximum 20 working days from the date the grievance was received.
- c) The committee will notify the employee in writing of their decision and any action that is proposed to resolve the grievance, within 7 working days of the grievance hearing. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee's agreement), if further investigations with other parties are necessary.

Appeal

If the employee is dissatisfied with the outcome of the grievance as determined by the committee, they have the right of appeal.

- d) The employee should write to the Chair of Governors within 10 working days of receipt of the outcome decision letter, using the pro-forma at **Appendix 5**. An appeals committee will be nominated to hear the appeal. *In some cases it may be necessary to set up an ad hoc panel consisting of three Governors with no connections with the school or the people concerned. (The Governing Body of each school in the Local Authority will be asked to nominate a Governor to serve on ad hoc panels).*

***Employees must register their appeal within this period otherwise they will be deemed to have accepted the decision at the Grievance Hearing; appeals will not be accepted after this period.**

- e) The appeal pro-forma must be completed, stating clearly:
 - why the employee is dissatisfied with the outcome decision;
 - what alternative solution they are seeking to resolve his/her grievance.

No new evidence, i.e. evidence that was not raised and submitted previously at the grievance hearing, by either party can be presented at the appeal.

- f) On receipt of the appeal pro-forma, a Grievance Appeal Committee of the Governing Body will be convened to consider the matter further. A representative from Human Resources will be present to provide advice.
- g) The Chair of Governors will contact the employee within 5 working days to acknowledge receipt of the appeal. The meeting will then be arranged within 15 working days. If this is not possible, he/she will write to the employee to explain the reason for the delay, and give an indication of when the hearing

will be held; this will be within a maximum 20 working days from the date the appeal was received. 5 working days notice of the meeting and any documentary evidence together with the names of witness should be given. The meeting should follow the procedure as set out in Appendix 4.

The purpose of the appeal committee is to consider the grounds that have been put forward and to assess whether or not the conclusion reached at the grievance committee was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of which the employee is dissatisfied in relation to the original grievance.

Following meeting of the Appeal Committee, the Chair of Governors will notify the employee in writing of the committee's decision and any action that is proposed to resolve the grievance raised, within 5 working days of the Appeal Committee. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee's agreement), if further investigations are necessary.

This is the final stage; there is no further right of appeal.

Grievance against the Governing Body

If the grievance is against a member or members of the Governing Body and the matter has not been resolved following the informal stage, the member of staff concerned should write to the Chair of Governors, using the pro-forma at **Appendix 3**. The member of staff should outline clearly the reason(s) for his/her grievance with details of any events/actions (including dates, times and any witnesses), that triggered the complaint and how he/she would like it resolved. If the grievance or desired outcome is unclear, the employee may be asked to clarify their grievance before any meeting takes place. A copy of the pro-forma must be sent to the Director of Children Services and a copy to Human Resources.

The grievance would then be considered by the nominated grievance committee in accordance with paragraphs (a) to (c) above. If the grievance is against an individual Governor that Governor shall not take part as a member of the grievance committee.

If the grievance is against the whole Governing Body the member of staff should write to the Director of Children Services, using the pro-forma at **Appendix 3**. Outline clearly the reason(s) for his/her grievance with details of any events/actions (including dates, times and any witnesses), that triggered the complaint and how he/she would like it resolved. If the grievance or desired outcome is unclear, the employee may be asked to clarify his/her grievance before any meeting takes place. A copy of the pro-forma must be sent to Human Recourses.

The grievance will be heard by a panel of nominated senior LA Officers whose members would have no previous knowledge of the case (substituting the panel of Governors) in accordance with paragraphs (b) and (c) above.

Appeal

If the employee is dissatisfied with the outcome of the Grievance Committee he/she will have the right of appeal to a panel of nominated senior LA Officers (nominated by the Director of Children Services) whose members had not heard the grievance originally. The employee should write to the Director of Children Services within 10 working days of receipt of the outcome decision letter, using the pro-forma at **Appendix 5**.

The grievance should then be heard by the panel in accordance with paragraph (f) and (g) above. The panel will substitute the role of the Governors.

The purpose of the Appeal Committee hearing is to consider the grounds that have been put forward and to assess whether or not the conclusion reached at the grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of which the employee is dissatisfied in relation to the original grievance.

Following the Appeal Committee hearing, the panel will notify the employee in writing of their decision and any action that is proposed to resolve the grievance raised, within 5 working days of the Appeal Committee. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee's agreement), if further investigations are necessary.

This is the final stage; there is no further right of appeal.

Grievance against the Local Authority

If the grievance is against the Local Authority the member of staff should write to the Director of Children Services, using the pro-forma at **Appendix 3**. Outline clearly the reason(s) for his/her grievance with details of any events/actions (including dates, times and any witnesses), that triggered the complaint and how he/she would like it resolved. If the grievance or desired outcome is unclear, the employee may be asked to clarify his/her grievance before any meeting takes place. A copy of the pro-forma must be sent to Human Resources.

The grievance will be heard by a panel of nominated senior Local Authority Officers whose members would have no previous knowledge of the case (substituting the panel of Governors) in accordance with paragraphs (b) and (c) above.

Appeal

If the employee is dissatisfied with the outcome of the Grievance Committee hearing he/she has the right of appeal to a panel of nominated senior Local Authority Officers (Nominated by the Director of Children Services) whose members had not heard the grievance originally. The employee should write to the Director of Children Services within 10 working days of receipt of the outcome decision letter, using the pro-forma at *Appendix 4*.

The grievance should then be heard by the panel in accordance with paragraph (f) and (g) above. The panel will substitute the role of the Governors.

The purpose of the Appeal Committee hearing is to consider the grounds that have been put forward and to assess whether or not the conclusion reached at the grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of which the employee is dissatisfied in relation to the original grievance.

Following the Appeal Committee hearing, the panel will notify the employee in writing of their decision and any action that is proposed to resolve the grievance raised, within 5 working days of the Appeal Committee. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee's agreement), if further investigations are necessary.

This is the final stage; there is no further right of appeal.

Please Note: Human Resources will automatically update this procedure to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments

Reviewed October 2017

Appendix 1:

Allegations of Bullying and Harassment Policy

The Council and Schools are committed to providing a working environment for all its employees that is comfortable and free from all forms of bullying and harassment. Any employee who is found to have bullied and/or harassed a work colleague or customer of the Council will be subject to disciplinary action, up to and including summary dismissal.

Employees are encouraged to report any incidents of bullying and/or harassment they experience or witness so that the Headteacher can investigate and resolve the matter. The Headteacher will take all such complaints seriously and an employee who makes a genuine complaint of bullying and/or harassment will be protected and not be penalised or victimised in any way.

Note: The Headteacher will also instigate an investigation into alleged bullying or harassment if he/she has grounds to believe that an employee may have been bullying and/or harassing another work colleague or customer, whether or not there has been a formal complaint.

Headteachers' and Employees Responsibilities

Headteachers are responsible for implementing and raising awareness of this Policy. both **Headteachers and employees** have personal responsibility for their own behaviour and for ensuring that they comply with this Policy.

Bullying and Harassment – Definition

ACAS defines bullying and harassment as;

Bullying as offensive, intimidating, malicious or insulting behaviours, an abuse or misuse of power through means intended to undermine, humiliate, or injure the recipient.

Harassment as unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Examples of unacceptable behaviour may include:

- picking on someone or setting them up to fail;
- inappropriate behaviour or language at meetings;
- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief); this includes postings on notice boards and social networking sites;
- copying and/or circulating memos/letters/e-mails/texts/reports or any other written or electronic communications that are critical about someone to others who do not need to know;
- exclusions or victimisation;
- unwelcome jokes or comments of a sexual or racial nature or about and individual's age;

- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.

Dealing with Allegations of Bullying and Harassment

General

Bullying and harassment are potentially serious disciplinary offences and the Headteacher will use the Disciplinary Procedure to address issues where, in his or her view, that is the appropriate course of action. The alleged victim(s) will be consulted but will not have a veto over any course of action decided upon.

Bullying must be distinguished from the right of, and obligation placed on Headteachers, to exercise proper direction and supervision of employees in the course of their duties. The Governors will not tolerate the abuse of this procedure to challenge and undermine Headteachers and managers exercising legitimate authority. Such instances will be dealt with as disciplinary offences.

Working Arrangements during Investigations

Allegations of bullying and/or harassment can place particular stresses on both the alleged victim and alleged perpetrator. As such, they must be dealt with promptly and, wherever possible, in ways that seek to minimise the stress on the parties involved.

Whilst individual circumstances and service needs must always be taken into account, the presumption is that working arrangements will be adjusted where possible whilst complaints under this procedure are being investigated so that the alleged victim and alleged perpetrator are separated. Reporting arrangements may be changed and either or both parties required to work at a different location.

Human Resources will advise on the options and the Headteacher will take account of the wishes of the parties involved and service needs in reaching his/her decision; decisions will make no inferences regarding relative guilt and no such inferences may be drawn.

Other considerations

In very exceptional circumstances, where the alleged victim can demonstrate plausible grounds for feeling particularly intimidated or threatened by the alleged perpetrator, and on the advice of Human Resources, it may be necessary to offer a degree of anonymity and/or make arrangements to ensure that the parties do not have to meet directly at meetings or hearings called under this or any other Schools procedure.

Procedure

The procedural arrangements for dealing with allegations of bullying and/or harassment are the same as detailed for grievances. However, there are four possible outcomes for allegations of bullying and/or harassment made:

1. The investigation of the allegation(s) demonstrates sufficient preliminary evidence to justify referring the matter directly to be dealt with under the Disciplinary Procedure. Under these circumstances, a disciplinary investigation will be set up and all further action will be taken under that procedure. No further action will be taken under the Grievance Procedure.

2. In exceptional cases there may be a recommendation of transfer, (unless provided for in the employee's terms and conditions if they suffer a detriment by it, for example additional expense or a less responsible role).
3. There is substance to the allegation(s) and informal means, such as mediation, conciliation, coaching, counselling, training, should be used to address the issue.
4. The allegation(s) was unfounded.

Appendix 2:

Additional Advice and Support

Occupational Health – Any employee that is involved in a claim of bullying and/or harassment may find it helpful to talk to the Occupational Health Adviser and therefore will be given the option of a referral.

Counselling – The Council provides a confidential external service for staff through our Occupational Health Service.

EAP – Employee Assistance Programme - is a welfare initiative available by telephone to give counseling, information, signposting and support. Only available to the schools that have brought into this. Your School will be able to advise accordingly.

Trade Unions – The Council recognises the important role that trade unions have in resolving and supporting such issues and encourages employees to approach their TU Representatives for support in addressing unacceptable and inappropriate behaviours. The recognised trade unions are as follows:

Non-Teaching:

- APEX
- GMB
- Unison
- Unite

Teaching:

- ATL
- NAHT
- NASUWT
- NUT
- ASCL

Teacher Support Network – is a group of independent charities and a social enterprise that provide practical and emotional support to staff in the Education Sector and their families – They can be contacted on 08000 562 561.

Staff Support Networks - The Council has well established support networks that provide valuable support, including confidential advice, on both work related and personal matters. The staff support networks are as follows:

- BME Staff Support Network
- Disabled Staff Network
- LGBT Staff Support Network

Note: To include contact details

Appendix 3:

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Grievance Pro-Forma – Formal Resolution

Section 1: Employee Details

This form should be sent to the Chair of Governors

Name: Contact No:

Post: Location:

Department: School:

Section 2: Employee Representative Details

Please detail the name of your representative. (You are entitled to be represented by a Trade Union Representative or a work colleague at any stage of the formal procedure).

Name: Contact No:

Name of Trade Union (if applicable):

Section 3: Grievance Details

Please detail your grievance overleaf giving full details of dates, incidents, parties involved, witnesses, circumstances, etc. Additionally, where possible, please ensure that you include or reference the following specific details:

- The date that this issue commenced
- Whether this is a one-off issue, or part of a sequence of events
- Which policies, procedures or employment terms do you believe have been breached
- What action/steps you have taken to resolve the issue informally, when and who with?
- Copies of any relevant documentary information
- What you are looking for as a satisfactory outcome

Please note that the procedure is not intended to punish staff, but to try and resolve any grievances as quickly and as fairly as possible, at the lowest appropriate level in the organisation and to avoid minor issues developing into more serious matters. It is not to be used to pursue malicious or vexatious complaints and to do so will be considered a disciplinary matter that may lead to dismissal.

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A) Please state your grievance:

(Please continue onto a separate sheet if necessary)

B) Please state what you are seeking as a satisfactory outcome to your grievance

Signed: _____

Date: _____

Print name: _____

.....

Appendix 4:

- 1 The employee will have the right to be accompanied by a fellow worker or Trade Union.

Worker - To exercise this right – a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site **(taken from ACAS 2010)**.

The panel will be supported by a Human Resources Representative (HR) and a minute taker.

- 2 The employee will, in advance, inform the panel of any witnesses to be called at the meeting. With the support if necessary from his/her representative the employee will put his/her case forward and may also refer to documentary evidence.
- 3 The employee and/or his/her representative will have the opportunity to ask questions of the panel and of any of the witnesses.
- 4 The members of the Governing Body with the support of HR will have the opportunity to ask questions at any stage to the employee and their representatives and witnesses.
- 5 Before summing up the Governing Body may recall and re-examine any witness.
- 6 The employee or his representative will be able to sum up but may not introduce any new evidence.
- 7 The employee and representative will withdraw while the governors consider the case. If there is a need to recall the employee to clarify points of uncertainty then the employee will return. Witnesses may be recalled and re-examined by the Governors in the presence of the employee. Human Resources will remain to advice on procedural matters.

(In some cases it may be necessary to adjourn the meeting to allow for further investigations to take place).

- 8 The Governors if appropriate may notify the employee of their decision verbally after the meeting and shall subsequently confirm the decision in writing within 5 working days.

Procedural Note

- 1 Witnesses, once they have given their evidence, shall withdraw from the proceedings.
- 2 Any person involved in an early stage of the decision making process shall not be involved at a later stage.

Confidentiality

All proceedings of the Governing Body and the Grievance Committee are confidential. Only the decision of the committee shall be reported as a confidential item to the next Governing Body meeting, and shall not be further discussed.

This form should be sent to Chair of Governors

Appendix 5:

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Grievance Pro-Forma – Appeal

Section 1: Employee Details

Name: Contact No:

Post: Location:

Department: School:

Section 2: Employee Representative Details

Please detail the name of your representative. (You are entitled to be represented by a trade union representative or a work colleague at any stage of the formal procedure).

Name: Contact No:

Name of Trade Union (if applicable):

Section 3: Appeal

Where you are appealing against the outcome at the Grievance Hearing; ensure that you detail the specific reason(s) why you are dissatisfied with the Nominated Officer's decision.

A) Please state your reasons for appealing against the outcome at the Grievance Hearing:

(Please continue onto a separate sheet if necessary)

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B) Please state what you are seeking as a satisfactory outcome to your grievance:

C) How the Nominated Officer's reasons for rejecting the alternative solution might be addressed (if applicable)

Signed: _____

Date: _____

Print name: _____

Grievance Procedure - Flowchart

Grievance



Employee must try to resolve workplace concern(s) by talking directly to the member of staff involved or appropriate senior member of staff.

The “Informal Resolution” process must be completed before grievances can progress to “Formal Resolution”

Formal Resolution

Employee writes to the appropriate person (see procedure) clearly outlining their grievance and how they would like it resolved (using pro-forma at Appendix 3). For raising concerns as to any wrong-doings in the workplace e.g. fraud or corruption the Schools whistle-blowing procedure should be followed.

Grievance Committee or Nominated Officer will meet with member of staff to discuss their grievance and respond within 5 days of the hearing (or the agreed date if this has been extended).
Grievance Hearing will be held within a maximum 20 working days of receipt (in HR) of the grievance.

Hearing Outcome

Matter resolved; no further action.

Employee writes to appropriate person (see procedure) using pro-forma at Appendix 5, within 10 working days of receipt of Formal Resolution outcome decision letter, clearly outlining why they are dissatisfied with the decision and what alternative solution they are seeking to resolve their grievance.

Appropriate pannel will meet with member of staff and representative to discuss the grounds for their appeal and respond within 5 days of the hearing (or the agreed date if this has been extended).
Appeal Hearing will be held within a maximum 20 working days of receipt of the appeal.

Appeal Outcome
This is the final stage – there is no further right of appeal