

School Staff Grievance Procedure

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1.0 Introduction

- 1.1 This procedure sets out the process for dealing with a grievance and helps to understand what is expected and what needs to be done by all parties. The framework has two broad stages – an informal stage and a formal stage as detailed below (see **Appendix A**).

2. Objectives

- 2.1 To enable an employee to raise a grievance relating to their employment and receive a timely and appropriate response from management, with a view to reaching a satisfactory outcome.
- 2.2 Where an employee pursues a grievance in good faith and it is not upheld following an investigation then no action will be taken against the employee. However if the manager finds that an employee has knowingly misused the procedure for malicious or vexatious motives, then the employee concerned will be subject to disciplinary action.

3. Exclusions from access to the Grievance Procedure

- 3.1 There are instances where the application of the Grievance Procedure is not appropriate. Employees are excluded from using the Grievance Procedure in the following circumstances:
- Where an employee fails to comply with the relevant time limits within the procedure, unless management agrees in advance to a particular time limit being extended.
 - Where an employee attempts to restart the procedure in respect of a grievance which has been heard under the procedure within the previous six month period.
 - Where an employee has been notified of the date of an interview or disciplinary hearing concerning an alleged act of misconduct by them and whose declared grievance is connected with that matter.
 - Where an employee has been notified of the date of an interview or formal hearing concerning alleged unsatisfactory performance by them and whose grievance concerns, or is connected with, that matter or the arrangements for that interview or hearing.
 - Where an employee seeks to express grievances about matters over which the employer has no control e.g. health & safety legislation.
 - Where an employee has grievances which are the subject of, or appropriate to, any collective disputes procedures agreed between the Council and a recognised trade union.

- Where an employee has a grievance arising from job evaluation/grading, this will be heard by the Job Evaluation Appeals Panel.
- An employee may not raise a grievance in relation to any other procedure which contains the right of appeal – the appropriate appeal process should be followed in each case.
- Ex employees do not have a statutory right to raise a grievance, however, each case will be considered on its merits, and there may be circumstances in which the council decides to allow a grievance from a former employee to be heard.

4. Links with other Procedures

- 4.1 If an employee is being taken through the [Disciplinary](#), [Capability](#) or [Dignity at Work](#) procedures, this procedure cannot be used to register concerns about action under those procedures. Any concerns must be made formally, in writing, and will then be appropriately dealt with as part of those procedures. Where appropriate, consideration may be given to the suspension of proceedings whilst such concerns are addressed.
- 4.2 Complaints which relate to harassment and bullying will be dealt with under the Dignity at Work Procedure.
- 4.3 If an employee has a grievance about an unrelated matter whilst being taken through the Disciplinary Procedure, this may be pursued simultaneously but arrangements under the Disciplinary Procedure will take precedence over those relating to a grievance.
- 4.4 The Grievance Procedure does not apply where an employee makes a protected disclosure under the Whistleblowing Protocol, unless the employee actually indicates that the making of the disclosure constitutes the raising of a grievance. An employee can choose whether to raise a concern as a grievance OR as a protected disclosure.

5. Standards

5.1 Manager's responsibilities:

- To provide for the employee's rights to be accompanied at meetings by an accredited trade union representative or fellow employee of their choice, have access to relevant information, have an opportunity to explain their position, and a right of appeal.
- To provide for appropriate assistance and for reasonable adjustments to be made to enable all employees to fully participate in hearings and present their grievance.

5.2 Manager's and Employee's joint responsibilities:

- To ensure that grievances are dealt with efficiently and within agreed timescales.
- To ensure that the proceedings will be confidential, and any witness statements and records will be kept confidential to those proceedings.

6. Procedural Timescales

- 6.1 Employees should raise grievances on a timely basis in order to ensure that the matter can be fully investigated and resolved satisfactorily. Any grievances which are not raised within 3 months of the event occurring, or final event where there is a sequence of events, will be considered out of time, unless there are exceptional circumstances e.g. in cases of sickness.
- 6.2 Time limits are specified at each stage of the procedure. These are intended to ensure the speedy resolution and to avoid delays. However, there may be exceptional circumstances where both management and the employee or their representative agree that speed is not essential (this may be necessary where further investigation is required) in which case timescales may be extended by mutual agreement.
- 6.3 If a grievance is not dealt with by an appropriate manager within a specified time limit, the employee will have the right to proceed to the next stage of the procedure. Where an employee or their nominated representative fails to comply with a time limit, the application of the procedure will cease and the grievance will be considered settled or withdrawn, unless it is agreed that the failure was not the fault of the employee or their nominated representative. This will not apply if the Manager and the employee agree that the time limits should be extended.
- 6.4 The timing and location of meetings should be reasonable and the employee must take all reasonable steps to attend. If the person accompanying the employee cannot attend on a proposed date, the employee can suggest a suitable alternative date/location. This must not normally be more than 5 working days after the date originally proposed by the Manager.

7. Records

- 7.1 Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential and retained on the employee's personal file in accordance with the Data Protection Act. Copies of records should be given to the individual concerned although in certain circumstances some information may be withheld (e.g. to protect a witness).

8. Informal Stage

- 8.1 Most routine complaints or grievances are best resolved informally through discussion between the employee and their immediate line manager. Dealing with grievances in this way can often lead to speedy resolution of problems. It is in everyone's best interests to resolve grievances quickly and fairly between the employee and their line manager.
- 8.2 An employee with a grievance shall first raise it with their immediate line manager who will be expected whenever reasonable and practicable, to provide a reply either orally, or in writing if the employee requests it, within 5 working days of the grievance being raised. Employees who are trade union members may wish to make contact with their respective trade union at this stage.
- 8.3 If, however, the employee's immediate line manager is the subject of the grievance and for this reason the employee does not want them to hear the grievance, the employee will have the right to have the grievance heard by a manager at equivalent status to their immediate line manager.
- 8.4 Where a grievance cannot be resolved informally it should be dealt with under mediation if appropriate (see section 9) before the application of the formal grievance procedure. A copy of the grievance procedure and related guidance notes will be made available to the employee at this stage.

9. Mediation

- 9.1 The Council supports the use of mediation as a way forward to resolving grievances prior to the formal procedure. Human Resources has a list of qualified mediators within the Council.
- 9.2 Formal mediation should be offered to disputants before moving to the formal stage.
- 9.3 Not all forms of dispute are suitable for mediation and this will be assessed by the mediator(s) assigned to the case.
- 9.4 The trained mediator will liaise with the employee who has raised the grievance and any other parties with a view to resolving the grievance.
- 9.5 At the end of the mediation process, the mediator will advise the Head of HR whether the mediation has resolved the grievance. Further details would only be disclosed with the agreement of all disputants involved.
- 9.6 Where mediation has been unsuccessful, the formal grievance procedure is available.

10. Formal Procedure

10.1 First Stage

In a written statement to the manager (or the grandparent manager if the issue is with the employee's direct line manager) the employee must outline:

- a) the nature of the alleged grievance;
- b) the evidence to support it and;
- c) the outcome which they are seeking in full to enable the manager to arrange a meeting within the 10 working day timescale (NB if further investigation is required, this timescale may be extended). The grievance cannot proceed until this information is provided.

10.2 The Manager will acknowledge receipt of the above and arrange for any investigations needed. They shall then arrange a meeting to hear the grievance as soon as practicable and inform the employee of their right to be accompanied by an accredited trade union representative or work colleague. At the meeting the employee will be allowed to explain their complaint and there should be open discussion about how they think the grievance can be resolved.

10.3 Where the grievance is raised with the grandparent manager, he/she shall provide the employee's line manager with an opportunity to express their views about the matter without obligation to do so in the presence of the aggrieved employee. Management has a duty to maintain mutual confidence and trust with the aggrieved employee's line manager or supervisor.

10.4 The Manager will provide a written response to the grievance (which may include the use of further mediation) as soon as practicable, within 7 working days of the meeting. Any extension to this timescale must be mutually agreed with the employee and only be in exceptional circumstances.

11.0. Appeals

11.1 Grounds for appeal must be put in writing within 10 working days of receipt of the written confirmation of the decision. Appeals will be heard by either a Director or Head of Service outside the Department in which the employee works.

11.2 A collective grievance will be heard by the appropriate managers; however, there will be a right for the Trade Union to appeal to the Staffing Committee if the Trade Union and HR agree this is appropriate.

11.3 The Appeal procedure will be as follows:

- Introductions of all parties

- The employee (or their representative) will state their grievance and may call witnesses in support. Witnesses will only attend for the duration of their evidence.
- The Director/Head of Service and the Management representatives may then ask questions of the employee/their representative/witnesses.
- The management representative responds to the grievance and may call witnesses. Witnesses will only attend for the duration of their evidence.
- The Director/Head of Service, the employee/their representative may then ask questions of the management representative and witnesses.
- The management representative then sums up.
- The employee (or their representative) then sums up
- Both parties withdraw.

11.4 The decision of the Director/Head of Service will be confirmed in writing to the employee within 5 working days of the hearing and this will be the final decision of the Council.

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Grievance Procedure Flow Chart

